

THE LAND BILL EXAMINED:

A COLLECTION OF EXTRACTS FROM ARTICLES AND LETTERS IN THE FREEMAN'S JOURNAL.

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NOTE.



This collection of extracts from **The Freeman's Journal** includes an exposition of the Land Bill, clause by clause, and a fuller examination and discussion of the principal parts of the measure.

It is published in compliance with numerous requests, and in the hope that it may be of service to the country.

PRINCIPLES EXAMINED.

FINANCIAL SCHEMES AND THE LAND CONFERENCE.

The O'Connor Don's letter on the Land Conference Report is suggestive. The Conference deliberately abstained from formulating any financial scheme. The members confined themselves to defining what price they thought the landlords should receive and what annuity the tenants might be expected to pay. They had not the responsibility for drafting a Bill to carry their programme through, nor have they the command of the Exchequer. The responsibility for the financial plan properly belongs to the Government; yet its nature is of vast importance to the future well-being of Ireland, and it might easily be that it would propose liabilities attended with enormous risk, not merely to the purchasing tenantry, but to Irish credit generally.

The O'Connor Don boldly advances where the Conference hesitated to enter, and he propounds a financial scheme which, we think, ignores this essential element in the case. No doubt, he satisfactorily disposes of the bugbear invented to frighten the taxpayer; but he does so by formulating a plan which fixes practically the whole liability upon the purchasing tenants and upon the National credit of Ireland, which, of course, would stand behind the tenants in the last resort, especially if, as seems likely, the government of Ireland ~~question~~ be dealt with in the near future. His plan is this. He estimates that the Government can find the money required to carry through the settlement at $2\frac{3}{4}$ per cent. If $\frac{1}{4}$ per cent. only were added for Sinking Fund, the Government would have all the money required for transactions amounting to £100,000,000, save £166,000 a year. This plan would extend the purchase term to 97 years. It would also have the effect of rendering the decadal reductions on the tenants' annuities insignificant. A quarter per cent. accumulating for ten years would make very little difference in the annuity at the end of ten years, while the system would extend the period of repayment well into the next century. One has only to cast his mind back on the revolutions effected in the agricultural industry for the past fifty or sixty

years, and to examine carefully the possibilities of the future in this respect, to realise the dangers of such a settlement, if it could be called a settlement. The O'Connor Don's plan would, practically compel the tenant to pay 28 years' purchase of the second judicial rent, and bind him and his successors to an annuity only 15 per cent. below his second term for practically a century, before they would become free of this tax on their industry. A three per cent. annuity, if only a quarter per cent. went to the Sinking Fund, and if, as The O'Connor Don suggests, they were to pay 85 per cent. of the second term rents, would provide £2,800 for every £100 of second term judicial rent. To give the landlords £3,000 for every £100 rent only £200 need be contributed by the Exchequer, or only two years' purchase of the holding under the scheme suggested.

We do not believe either of the parties to the Conference contemplated such a method of bridging the gulf. If the tenants were not offered a speedier release from the burthen of rent and insured against the future by the prospect of substantial decennial reductions it would be safer for them to remain as they are, resting upon their rights under the existing Land Code. They would then be, at least, in the position that any future break in the agricultural markets would entitle them to substantial reductions in their second term rents. Those who recognise the artificial condition of some of those markets and the instability of others, in view of the development of great agricultural tracts that have hitherto not entered into the home competition, will recognise the necessity of taking such safeguards. While, therefore, the exaggerated figures of the "expert" and others need not be allowed to frighten those charged with the endeavour to fashion a final settlement, it would be a mistake not to insist that the price recommended for the land cannot be approximated to without either a substantial contribution from the Government or the imposition of a liability on the future of the tenants which they could not safely undertake.

THE MINIMUM PRICE.

The Government seems to have lacked the courage to take advantage of the favourable hour. It cut down the contribution from the Exchequer to £140,000 maximum, or about one-fourth of Ireland's contribution to the new bread tax. Hence the extension of the redemption period to 68½ years without advantage to the tenant. If the extension had been unaccompanied by a limitation upon the reduction which a tenant might secure by bargaining with his landlord he might hope to get some advantage from the extension.

The principle of such a limitation has yet to be explained by Mr. Wyndham. Why the State should prevent a landlord from agreeing to a price that would give the tenant more than a 30 or 40 per cent. reduction we cannot conceive. The Bill is a voluntary Bill. Why should the State, then, fix the price? Why should it say to the landlord of a backward estate "You shall not accept less than 18 4-5 years' purchase of first-term rents for your property?" Is not the landlord able to protect himself in any bargain? The Estates Commissioners are not to have power to say to a tenant, "You shall not pay more for your farm than it is worth." If the price gives a ten per cent. reduction on the second-term rent the bargain goes through, whatever the value of the farm. That being so, why should a minimum price be fixed, when it is notorious that many landlords are prepared to accept fifteen, sixteen, and seventeen years' purchase, and think it a good bargain when they take into account all the other advantages offered to them under the Bill?

If the object was to shorten the redemption period, or increase the State security as in the Act of 1891, there would be some reason in placing a limit upon the reduction. But here it is a mere device for putting up the price on the poorest class of tenants. For it is these the limitation will affect most. The tenant of a good farm in a good situation, where the rent approximates to a fair rent, may get some advantage from the bonus and the extension of the redemption period, for it may enable him to give the landlord a good bargain while also making a good bargain for himself. But the rack-rented tenant on a poor farm, from whom no landlord would in any circumstances expect more than or as much as 18½ years' purchase, will have to pay the full, and more than the full, value of his farm, and will get no advantage from the bonus or the extension of the redemption period. The Chief

Secretary has so far offered no explanation of such a system, which is wholly novel and against both State interest and the tenants'. For the former wants the best security it can get, and the latter the biggest reduction they can get. If the voluntary principle is sound, then let the tenants have the full benefit of it. . . . By fixing the price against the poorer tenants the Bill deprives them of all the advantage to be derived, whether from the extension of the period of their indebtedness or from the small contribution made towards the restoration of their medium of exchange. Hitherto, when interest was reduced or annuity rates cut down and redemption periods extended, the tenant was allowed to bargain freely to secure as much of the advantage as he could. Now, however, his freedom is to be limited in order that the owner shall secure most of the advantage. The principle of such a limitation has yet to be explained. The Bill seems to be one whose authors lacked courage to realise their own good intentions; whether their courage can be screwed to the sticking-place remains to be seen."

—THE FREEMAN'S JOURNAL, March 27th, 1903.

"Doubt has been expressed whether the authors of the Bill really intended to forbid the sale of estates at a price lower than would secure a 30 per cent. reduction on the second-term or non-judicial rents, or a 40 per cent. reduction on first-term rents. But the second section of the first clause is explicit. It provides that if the conditions stated in the first clause 'are not complied with the Land Commission shall not sanction the advance.' The conditions are that in the case of a holding subject to a second-term rent, or a holding upon which no judicial rent has been fixed, 'but the tenancy in which, in the opinion of the Land Commissioners, is a tenancy to which the Land Law Acts apply,' the annuity payable by the tenant purchaser shall be 'not less than 10 per cent. nor more than 30 per cent. below the existing rent'; and in the case of a holding subject to a first-term rent shall 'not be less than 20 nor more than 40 per cent. below the existing rent.' Why landlords and tenants who, in view of the bonus and other advantages conferred on the landlord, might agree to a price that would give a greater reduction on the existing rent, thus increasing the security of the State, are to be excluded from the benefits of the Bill must remain a mystery. Why should a maximum limit be fixed? It is against the State's interest and the tenant's interest; unless it is to

be a principle of State policy that the tenants who stand most in need of relief—tenants of the class who have been purchasing for thirteen, fourteen, and fifteen years' purchase—are to be excluded from the advantage of the bonus and the other inducements provided for the landowners. The provision is a main blot on the Bill."

—THE FREEMAN'S JOURNAL, March 28th, 1903.

The proposal in the Land Bill to fix a minimum price at which tenants may purchase their farms continues to attract protest from every quarter where the common interest of the tenant and the taxpayer is superior to personal considerations. Rev. P. Molloy, P.P., in a letter which we publish elsewhere, declares that he would, as a tenant, reject the Bill if the proposal is retained; and even Dr. Thompson, M.P., protests against it. We have been 'looking for an explanation and a defence of a proposal that seems to us as absurd as it is unjust and improvident. One is offered to-day by that very competent representative of the landlord interest, Mr. H. de L. Willis. Mr. de L. Willis may be presumed to have said the best that can be said in defence of the clause: but the defence, if we may say it without offence to a controversialist who on this occasion avoids offence, makes the proposal appear more unfair and inequitable than it did before. Mr. de L. Willis's explanation of the proposal is this. Hitherto before a landlord sold his estate he had to clear his title. Now any landlord who has been in receipt of the rents of an estate for six years may sell the estate. The investigation into the claims on the estate is to be held afterwards, and the minimum price is fixed to meet these possible claims. That is, the tenant's payment is to be fixed, not by a bargain as to the value of the land, but upon a possible measure of the claims against the vendor. The true value of the land may be insufficient to meet these claims. Even the maximum price may be insufficient to meet the claims. The claims may be only paper ones, not worth the cost of an investigation, but the price is to be put up against the tenant to supply the twenty shillings needed to meet every possible pound of them. If there be no claims, of course, the vendor pockets the appreciation; if there be valueless ones the tenant is to be made to give them a value. The proposal is shown by its capable defender to be, in fact, in the literal sense of the word, preposterous.

Mr. de L. Willis confesses that the landlord may receive under the Bill far more for his estate than he could ever hope to receive

in the open market. The maximum price fixed is far in excess of the market value of the land. We have raised no objection whatever to that, if the tenant is willing to pay the inflated price. We are content to leave the question of price to agreement. What we do object to is that a minimum price should be fixed far above what tenants in the past have been able to buy at. What we ask for is liberty in a voluntary Bill. The sacrifice of that liberty is far too high a price to pay for the very little risk that comes of treating as owner the man who has received all the rents for the full period fixed by the Statute of Limitations on recoverable debts. . . . No landlord is compelled to sell except at a price that he regards as sufficient. Why should the State intervene and say that prices which have hitherto been current shall not be regarded by him as sufficient, even though first he receives in addition a bonus of three years' purchase; second is paid in cash, and not in Stock, a change which means the addition of £10 to the cash receipts on foot of every £2 15s of the tenant's annuity, or the equivalent of another one-and-three-quarter years' bonus; and, third, is enabled to save two per cent. on mortgages up to a third of the value of his estate by selling and rebuying his demesne, which means the addition of about £500 a year to the vendor's income for a £60,000 estate, equal, if capitalised at $3\frac{1}{4}$ per cent., to another bonus of 20 per cent. on estates valued up to that amount? Hitherto the average cash price has been $16\frac{1}{4}$ years' purchase. Even if that were not increased the bonus would add three years' purchase on the average, bringing it up to $19\frac{1}{4}$; the paying up of the discount would add $1\frac{1}{2}$ years at least, and bring it up to 21 years' purchase; and the purchase and re-sale of the demesne would, on mortgaged estates up to £60,000 in value, increase the landlord's income by an annuity equivalent to $3\frac{1}{4}$ per cent. on nearly four years' purchase.

Take an estate of £1,000 a year of the type that has hitherto been sold under the Purchase Acts for 18 years' purchase, equivalent to about $16\frac{1}{4}$ cash. Hitherto the landlord received on the average £16,250. Under the Bill he would receive cash, not Stock, that is, £18,000 instead of £16,250. He would receive, in addition, a bonus; and, as the bonus fund is £12,000,000, equal to three times the rent of the estates that remain to be dealt with, it would provide three years' purchase all round. That would bring the total to £21,000. If he

were an embarrassed landlord he might sell his demesne for £6,000, clear mortgages to that amount on which he pays on an average over 5 per cent., and repurchase from the Commission at $3\frac{1}{4}$ per cent. annuity, terminable in 68 years. In other words, he would add about £120 a year to his income, which, capitalised at $3\frac{1}{4}$ per cent., is the equivalent of £3,700, bringing the total to £24,700, an appreciation of over 50 per cent. on the current selling price. Why should the State now come in and say that is too little for any landlord to take? Surely the £3,700 is insurance enough for those hypothetical claimants of whom Mr. de L. Willis writes? We do not object to this provision for the landlord; we do not even say that some of the estates yet to come into the market would not be worth more to the tenants than those already purchased. But what we do say is, that there is bonus enough here to enable the owners of similar estates, who hitherto could not afford to sell, to do so at the current or even a lower rate; and that it is monstrous to deny the poorest tenants on the worst class of land—and there is bad land on every estate and in every county of Ireland—the chance, by free and fair bargaining, of obtaining any advantage whatever from these big additions, which the credit and the taxes of Ireland are making to free the land of Ireland from the present impoverishing incubus. The more this proposal to fix a minimum price is examined, the more indefensible it appears.

THE FREEMAN'S JOURNAL, APRIL 3rd, 1903.

Mr. H. de L. Willis to-day renews his argument in defence of the fixing of a minimum price. His explanation, it will be remembered, was that a squatter landlord might sell at an unreasonably low price to pocket the gains and thus defraud superior interests. But there is a remedy. Let the whole payment be pooled until the title is investigated and all claims disposed of, the sitting landlord receiving the interest meantime, and being paid only the balance of purchase fund, aid fund, and arrears. He could not sacrifice the property without sacrificing himself then; and there would be no necessity to fix a price against the tenant to meet claims that might never arise and had only an imaginary existence. Mr. Willis contests the statement that the landlord will receive too much, and recalls the price of land between 1850 and 1880. He forgets to recall the price of beef and wheat between those years, and he might as appositely quote the price of silver. Irish land in this "closed market" has not fallen as much as English land in

the open market; the fact is that but for the tenant being in the Irish market there would be no sale for Irish land at all. It would not bring twelve years' purchase on the average. But, as we have said before, that is not the point. Mr. H. de L. Willis says he has "no desire to prevent the tenant from getting for himself all the advantages he can out of the purchase transaction." We can reciprocate the sentiment towards the landlord, but on the condition that there be free bargaining under this Voluntary Bill.

—THE FREEMAN'S JOURNAL, April 5th, 1903.

Everywhere objection is taken to the provision fixing a minimum price. We are not surprised. The statement adopted in Letterkenny declares "that tenants, especially of the poorer class, would not buy on such terms, and ought not to be allowed to buy on them if there be anything in the case that the Land Commission has hitherto exercised as regards advances to tenants for purchase." As is pointed out in the statement there was no such provision in last year's Bill, though the term of redemption was only 58 years. The fixing of the limit in the present Bill means that the poorer tenants cannot get the advantage of their own extended payments.

—THE FREEMAN'S JOURNAL, April 7th, 1903.

Lord Dunraven does not discuss "details." He admits, however, that the average price of second term rents hitherto has been only 19½ years' purchase. He calculates that the average price to the tenants under the Bill will be 25 years' purchase. That is, six of the nine years' bonus demanded by the Land Conference is obtained by putting up the price against the tenants. "The position of the tenants under the Bill, as it at present exists, is," Lord Dunraven says, "far more difficult of analysis. They are so numerous, and their individual circumstances vary so infinitely, that it is a matter of extreme difficulty to estimate the effects of the provisions of the Bill upon them as a class." What an argument against fixing prices against them as a class, notwithstanding the infinite variety of their individual circumstances. That variety has hitherto displayed itself in prices varying from 6 to 45 years' purchase of their rents. Now they are to buy at 22 years' purchase of the current standard rent or not at all. Lord Dunraven does not comment upon a provision so strangely at variance with his description of the tenants' circumstances.

—THE FREEMAN'S JOURNAL, APRIL 14th, 1903.

The easing of the terms to enable a tenant to make a better offer to the landlord is one thing. The fixing of a minimum price above

the actual average of prices hitherto existing is quite another. And it is the tenants' money, more than the landlords', that forms the bulk of the Guarantee Fund. The landlords are relieved of their contributions to local taxation by the Agricultural Grant. The losses, if there be any, will fall on local taxation. The Agricultural Grant is practically part of the tenants' resources now. It provides security for £45,000,000 of the £100,000,000 of which Lord Dunraven speaks. Yet he argues that the use of their own resources by the State for the purpose of Land Purchase entitles the State to fix conditions that are absolutely harassing.

If the redemption period is to be extended, the tenant should have the opportunity of securing his full share of the advantage. That is not given in the Bill. A minimum price is fixed by the Bill higher than the existing average. Lord Dunraven gives the existing average price of second term rents at 10 years' purchase. We do not know the authority for this statement, for it is in no return furnished by the Land Commission. But, perhaps, the Government has supplied it to Lord Dunraven. He argues, however, that the Irish Land Market is no test of the value of rents. What, then, of the English Land Market, where the absolute fee of agricultural land is being sold at from 10 to 15 years' purchase of the reduced current rentals. Perhaps his Lordship would argue that Irish rents are better than English rents. They certainly are if 95 per cent. of them remain in the Irish landlords' pockets.

The truth is, of course, that but for the tenant being a purchaser in the Irish Land Market the average price of Irish land would be not 19 years' purchase, but about 12. Lord Dunraven and Mr. de L. Willis argue as if the provision of State credit has hitherto been for the advantage wholly of the tenant-purchaser. That is not so. The bringing of the tenant into the Land Market has added seven years' purchase to the value of the landlords' property. There is no reason then, in justice or in economy, for compulsorily fixing prices in a "voluntary" Bill which would add another possible 9 years' purchase to the price.

—THE FREEMAN'S JOURNAL, April 15th, 1903.

After yesterday's proceedings at the Landlords' Convention, there need be no longer any doubt as to the origin of the minimum price proposals. Mr. Wyndham has accepted it from those shrewd gentlemen, the Ulster landlords, who, on learning that the redemption period was to be extended by a quarter of a

century, suggested the fixing of a minimum price in order that the poorer tenants might be trapped into paying an exorbitant and unprecedented price for their uneconomic holdings. The extended period is the hook and the minimum price the eye by which the poorer tenants are to be collared in the Bill.

The landlords yesterday, notwithstanding many amiable speeches, characterised by much sweetness and some light, adopted a resolution demanding even more from the broken men of the bog-lands and half-reclaimed mountain tracts. They combined with a resolution in favour of an increase in the Bonus, another demanding that the maximum reduction on the second term rents should be only 25 per cent. instead of 30, and the maximum reduction on first term rents 30 per cent. instead of 40. In other words, they demand with an increase of the Bonus the raising of the minimum price against the poorest of their tenants from 19 years' purchase of first term rents to 22, and from 22 years' purchase of second term rents to 25½. These gentlemen should re-read their *Æsop's Fables* and ponder again the story of the monkey and the nuts. They may secure an united Ireland in support of the demand for an increased Bonus Fund if the minimum price is struck out of the Bill. The taxpayers of neither Ireland nor Great Britain will agree to piling up a Bonus on the top of 25½ years' purchase for the half-reclaimed tracts of bog land and the impoverished cottier farms of this country. The taxpayers and ratepayers would in such a bargain not merely part with their savings on Irish administration now, but have to put their hands in their pockets fifteen or twenty years hence to pay the annuities of the bankrupted purchasers. Not a single word was forthcoming at the landlords' meeting to explain or justify such an extraordinary proposal.

—THE FREEMAN'S JOURNAL, APRIL 25th, 1903.

The resolutions of the Committee of landlords who promoted the Land Conference, are another contribution to the criticism of the Land Bill. We are glad to note that they are a considerable improvement on those of the Landlords' Convention. To begin with, they embody no such absurd proposal as that of raising the minimum price against the Irish tenant while increasing the bonus at the expense of the Irish taxpayer. The taxpayer is quite content to see the extravagance of Irish Administration utilised to effect a secure settlement of a question, the unsettlement of which paralyses the industrial progress of the country. But if the landlords are to have a substantial and certain bonus of three or four years' pur-

share, the tenants must share the advantage. Otherwise there would be no settlement, and the nation would suffer doubly. The Landlords' Committee seem to appreciate the point; and instead of demanding an increase of the minimum price they passed the following resolution:—"That, whilst recognising the limits of reduction of rent within which Estates Commissioners must sanction agreements are necessary in order to avoid interminable delay, we consider that the Estates Commissioners should have power to sanction sales in exceptional cases outside those limits." Here the purpose of the limitations on price receives a new explanation. But it does not explain the minimum price. For, obviously, if a price entailing an annuity of 70 per cent. of a second-term rent or 60 per cent. of a first-term rent may be sanctioned without delay, a price involving much lower annuities may be far more readily sanctioned. The argument is one that applies only to a maximum price. But it may be doubted whether any expedition is to be gained by the device. The Estates Commissioners are bound to make "due inquiry" before they purchase any estate. Unless due inquiry involves the inspection of the holdings it will be no inquiry at all. How otherwise will they be able to decide what are "exceptional cases?" That being so, why should not the judgment of the Estates Commissioners be allowed as at present to decide whether the price is too high? The resolution of the Committee disposes of the minimum price principle. We have been looking for justification of it since the Bill was produced, and have discovered none. That there is an explanation of it we have no doubt. But the explanation is not one creditable to the Ulster landlords or to the Chief Secretary, who has accepted their dictation on the point.

—The FREEMAN'S JOURNAL, April 29th.

What Lord Dunraven says upon the Land Bill is perfectly true. If amendments are introduced into it that will make it a satisfactory measure to both parties, it will succeed; if not, it will not succeed. The amendments so far suggested by Lord Dunraven will not accomplish that transformation. As long as the minimum price provision is maintained in the Bill the measure cannot be regarded as a final measure of Land Settlement. If it passes, its operation will be restricted; and if its operation were not restricted the settlement would break down. To argue from the success of measures where the average payment of the tenants is 18 years' purchase, and where they are insured by successive decadal re-

ductions amounting in all to 36 per cent. to the success of a measure under which the average price would be 25 years' purchase, and which provides no such scheme of further relief, is preposterous. That seven years' purchase additional will mean a large increase in the number of tenants whose description may be found in the extracts quoted from Mr. Bailey's report in another column. The lowest price at which such broken-down and impoverished tenants can purchase under the Bill is 22 years' purchase of the second-term rents. Such a measure of relief as that affords them will not secure them for three generations. Lord Dunraven's argument that it would delay purchase if such tenants were allowed to buy at a lower price is absurd. Neither the maximum nor the minimum price will get rid of the necessity of inspection. There is as much inspection involved in the identification of a farm for the purpose of vesting it in a purchaser, as there is where the inspector goes on the holding to see whether it is security for the price. If the Bill is to be a final settlement that absurd and indefensible provision of a minimum price must go. Until it is obliterated it is premature to discuss further additions to the landlords' bonus. Mr. Davitt shows elsewhere what the Bill as it stands does for the landlords. He takes the case of an estate the projected sale of which was described in one of our issues last week. Agreements for purchase had been entered into which would have secured the landlord £74,000 in cash. The landlord now wants the agreements broken and the sale postponed. If he succeeds he will receive £115,200, or £40,000 above the price he agreed to sell for in February. A gross payment of £138,000 would have cleared the tenants under the existing Purchase Acts; they should pay in all at least £204,600 under the Bill, though for the first ten years they would receive an additional reduction of 6 per cent. Before, then, Lord Dunraven secures general support for his proposal to increase the advantages provided for the landlords, it will be necessary to know whether the poorer tenants are to get any share of the advantages. At present they can get none.

THE FREEMAN'S JOURNAL, APRIL 30th.

The absolute minimum price under the existing Acts was 6 years' purchase; the highest maximum 45. There has thus been a range of no less than 37 years' purchase in the past; there is to be a range in this "Voluntary" Bill of about 6. The return explains how the great range of prices has arisen. The "rents upon which the prices were fixed had

"no uniform basis. They comprise rents payable under fee-farm grants, leases for long terms or under yearly lettings, manifestly below the present letting value, and judicial rents; and, on the other hand, rents much in excess of the present letting value, which had not been revised under the Acts of 1881 or 1887, and rents of holdings not above the standard of cottier allotments." It is these last two classes that have hitherto supplied the minima. Yet the Bill actually proposes that rents which the Land Commission itself, in the return supplied to Parliament, describes as "much in excess of the present letting value," rents "which had not been revised under the Acts of 1881 and 1887," shall be classed with judicial rents fixed since 1896. The Bishop of Ross estimates the number of such rents at a hundred thousand. There are 133,000 "holdings not above the standard of cottier allotments" outside Connaught and Donegal. Yet the occupiers must buy at the minimum price unless they are grouped in sufficient numbers to make "a congested estate." "Taken in counties," the minimum county average prices since 1891 have been as follows:—1892-3, 10.7 years' purchase; 1893-4, 12.5; 1894-5, 6.6; 1895-6, 11.3; 1896-7, 12.4; 1897-8, 11.6; 1898-9, 15.1; 1899-1900, 15.7; 1900-01, 15.1; 1901-02, 15.3; and during the nine months ending December last, 16.1. There has been an increase in the minimum price since 1899 owing to the depreciation in Land Stock produced by the South African War, the fall being from 114 in 1896 to a mean of 93½ last year. The minimum average county cash price has been about fifteen years' purchase during the past four years. The absolute minimum cash price, not the average, is now to be raised to 18 4-5 years' purchase, though advantages equivalent to nearly 5 years' purchase are provided for the landlords in the Bill. And it is the poorest tenants that will suffer. This bottom price must be knocked out of the Bill, if it is not to work injustice to the tenant and loss to the State; and those excessively rented tenants whom the Land Commission describes must be dealt with fairly.

THE ZONES.

Most Rev. Dr. Kelly throws a flood of light on the provision that classes non-judicial rents with second-term rents, and fixes 10 per cent. as the measure of difference between first-term rents and second-term rents as a basis of purchase. He gives instances of reductions of first-

term rents amounting to as much as 48 per cent.; and the second-term tenants were able to buy the reduced rental at 18 years' purchase. He does not agree with Mr. De L. Willis's argument that non-judicial rents are fair rents. The Land Commission itself has put this argument out of court; for in its return to Parliament it describes these rents as generally excessive and far above the present fair letting value of the land.

—The FREEMAN'S JOURNAL, APRIL 15th.

Lord Belmore, who seconded the resolution (at the Landlords' Convention) in favour of raising the minimum price, declared that Clause I. as it stands, and by its classification of holdings, "would shut out a large number of his tenants whose only fault was that they did not rush into court in the first instance." His admission confirms all that we have written upon the injustice of classing non-judicial rents with second-term rents, and of grading first-term rents at a 10 per cent. difference from second-term rents.

—The FREEMAN'S JOURNAL, APRIL 25th.

The Chief Secretary's promises to consider Clause I. in council with the members representing the different interests, and not with any pre-determined view to pass it in the shape in which it now stands. This is satisfactory as far as it goes. For Clause I. includes the main defects of the Bill. Not merely does it compel the tenants and inflate the price; but it grades rents in a manner for which there is no defence. The Chief Secretary contends that the non-judicial tenants are tenants whose rents are so fair that they need no reduction. But the Land Commission has reported to the House of Commons that the non-judicial rents are so excessive that the inspectors of the Commission could not, with any regard to the interest of the State, sanction more than the lowest prices for them in transactions under the existing Acts.

—The FREEMAN'S JOURNAL, MAY 8th, 1903.

THE RENT CHARGE.

A new system of capitalisation is introduced. Hitherto the tenant, unless he received decadal reductions at the end of the first three decennial periods, paid his annual instalments for 42½ or 49 years, and then became absolute owner of his holding, rent free. Now he is to continue paying the full annuity for 68½ years without any decadal reduction, and thereafter one-eighth of his annuity for ever. That is, his annuity as stated above will buy seven-eighths, not the whole, of his holding.

—The FREEMAN'S JOURNAL, March 26th.

The Archbishop of Tuam takes objection to the reservation of so large a rent-charge as one-eighth of the purchasers' annuity. The reservation will, his Grace declares, weaken that sense of ownership which is the most valuable result of peasant proprietary and the chief stimulus to the peasant owners' industry. The object of the reservation might be attained otherwise, the Archbishop of Tuam asserts. Indeed, it is questionable whether those dangers as to sub-letting, sub-dividing, mortgaging, and general mismanagement are not purely imaginary. Mr. Bailey's report disposes of most of these apprehensions. "The tendency to sub-let and sub-divide, the occasion for so many restraining enactments in former times, has," he reports, "to a great extent either disappeared or lain dormant since purchase, and the tendency to sell has largely diminished." "North, South, East, and West, the reports are the same." As to borrowing, it has practically ceased. "A noteworthy proof of the improved financial circumstances of the Tenant Purchasers is the great care and evident hesitation with which they accept a loan. They are more cautious than of old in availing themselves of their credit. . . . Contrary to what might be expected, and indeed to the experience of other countries, the purchase system has up to the present been unfruitful to the 'gombeen' man, who in many districts has not only failed to extend his business, but has actually disappeared altogether." Even the shopkeeper's books know the peasant purchaser no more. "It is not like old times," says an agent for the sale of artificial manures. "They do not ask for or want credit now—they pay in cash." Were it otherwise, the Bill that provides a redemption period of sixty-eight years would do enough on the part of the present generation to avert the risk, without artificial aids of any, and especially of this, kind. The statesmen of 1970 might be left to deal with the matter for themselves on another basis.

—The FREEMAN'S JOURNAL, March 30, 1903.

The Archbishop of Tuam has formulated one objection to the Rent-Charge. His Grace approves the alleged object of the reservation—the prevention of sub-dividing, sub-letting, and mortgaging, and the upgrowth of a new class of greedy and usurious owners. But this object can be otherwise attained; there are means as effective as the rent-charge for its prevention. For the next seventy or eighty years, whether the rent-charge is reserved or not, the Land Commission will have full power to prevent these dangers, which seem to us to be greatly ex-

aggerated, as they have been prevented up to the present moment.

The Archbishop's objection to the charge is that it will check the growth of that sense of unlimited ownership which is the best stimulus to the industry of a peasant of the Irish character. This objection cannot be dismissed as sentimental, because it is based on that quality of peasant ownership which has always been regarded by the best school of economists as the great merit of that system of land tenure. But there are other objections that are not based on sentiment, but on solid financial considerations affecting the whole of Ireland. If the rent-charge were to be an Irish asset there might be many who would favour it as an equitable contribution from the land of Ireland to the national finances. But that is not likely to be its destination. In the event of a financial arrangement between Great Britain and Ireland for instituting separate Budgets, an equivalent for the amount of the rent-charge would be taken by Great Britain. The landlords will have received its capital value. No sinking fund is provided for its extinction. It will be claimed as an Irish debt by the British Exchequer. If it did not exist, the allocation to Ireland would not be lessened on that account. Were it in existence, and were it even recognised as Irish revenue, the allocation of common revenue which would be otherwise made to Ireland, and which would be measured by Irish requirements, would be lessened by the amount of the charge; so that its imposition at the present time, instead of creating a new resource for Ireland, would deprive her of a possible resource, upon which, in the event of a separate Budget, she might draw.

So far for the National concern in the matter. As to the peasant's interest, besides the effects pointed out by the Archbishop of Tuam, it will have the effect of putting the three or four hundred thousand tenants who hope to buy under the Bill in an inferior position to the seventy or eighty thousand purchasers who have already bought, or who are in process of purchasing. The three or four hundred thousand would never be anything more than tenants with fee-farm grants. There will be nothing to assure them against an increase of the rent-charge which the British Parliament might be pleased to exact at any time for any purpose. Yet the landlord will receive more money from the tenant for the part of the rent that is not redeemed than for the part of it which ceases after 68½ years.

It might be said that because of this increased payment to the landlord the total annuity required from the tenant is lessened. The advantage is insignificant as compared with the cost. A tenant paying £70 annuity might redeem the whole payment to the landlord provided under the Bill at $3\frac{1}{4}$ per cent. in the 68½ years by paying, as "Examiner" points out to-day, an additional thirty shillings a year. By saving the thirty shillings a year for 68½ years the farm is subjected to a rent-charge of £8 15s in perpetuity. That is not an economical proceeding for either the tenants or the nation. Furthermore, the tenant whose farm is not worth 18 4-5 years' purchase of the first term rent, or 22 years' purchase of the second term rent, or of a rent which is not judicial, will receive no advantage whatever from the charge. His annuity cannot be lessened by the payment, for the absurd provision fixing a minimum price diverts the whole profit to the landlord.

The provision seems to be one for masking the real price paid by the tenant, and providing a fourth or a fifth hidden bonus. It converts the whole land purchase operation into one for the mere fining down of rent. The Irish landlords might as well have been left in possession of the rent-charge as the British Treasury for all the difference it makes to the tenant. We are not surprised that such strong objection should be taken to the reservation by the tenants and the tenants' friends.

—The FREEMAN'S JOURNAL, APRIL 4, 1903.

Upon the question of the rent-charge, Mr. Davitt and Mr. Willis are agreed. But the latter notes that unless there is a sinking fund provided for the capitalised value of the rent-charge, the latter must remain a permanent mortgage of the British Exchequer on the land of Ireland. There is no such sinking fund provided in the Bill. It is capitalised as a perpetuity and handed over to the landlord. Even if there were provision for the extinction of the debt, we should still be against the creation of a new Irish tax which could only have the effect, in the event of that national settlement which Mr. Davitt predicts, of reducing the allocation to Irish purposes and increasing the Imperial contribution to be fixed upon Ireland. A moderate land tax might be a possible resource of an Irish Exchequer if there were no rent-charge to be paid in *secula seculorum* to the British Exchequer. But with the prior claim of the latter established by this Bill, Mr. Davitt's idea of a

contribution from Irish land to Irish national purposes is impossible.

—The FREEMAN'S JOURNAL, April 6th, 1903.

There seems to be a misunderstanding on the point provided in some quarters. Thus it is urged that "the profits derived from the one-eighth of the purchase money would have to go to relieve local taxation under an Irish Parliament." Apparently it is not realised that the full value of the rent-charge as a perpetuity is part of the price being paid to the landlords and advanced by the British Exchequer. The charge is being capitalised at $2\frac{1}{4}$ per cent., no sinking fund being provided, and the landlords are to receive 36 4-11 years' purchase of the amount. . . If the tenants were to get the benefit of this perpetual payment in fixing the amount of their present annuity it might be defensible. But they cannot get the benefit of it if their farms are not worth at least 19½ years' purchase of the first-term rents. The minimum price provision prevents them from having their annuity equivalently reduced. While to those tenants, if there are any, who have farms worth twenty years' purchase or over of the first-term rents, the advantage will be this—they may escape on the average £1 10s. on every £100 of rent per annum now, in order that their farms at the end of the redemption period may owe £10 a year to the British Exchequer for ever.

—The FREEMAN'S JOURNAL, APRIL 8th, 1903.

Mr. Davitt returns to the question of the rent-charge in a letter that we publish to-day. He challenges the statement that on the average the Irish purchasing tenant will, under the rent-charge arrangement, "owe £10 a year to the British Exchequer for ever." "No such provision," he says, "is included in the Bill. No statement made by Mr. Wyndham in his introduction of the Bill contained any such proposal as 'a perpetual rent to the British Exchequer.'" And he quotes Mr. Wyndham's statement as to the purposes of the rent-charge. The passage quoted is beside the question whether the charge is to be paid to the British Exchequer for ever, or whether it is to be transmutable into an asset of "an Irish local authority" or "an Irish National Government." All the objects described by Mr. Wyndham can be secured without any rent-charge. They are secured in the present Bill apart from the rent charge for 68 years. Our objection to the rent-charge is based, not upon its future effect upon the Irish tenants of 68 years hence, but on its effect on the tenants of to-day. As

to its destination, we adhere to our statement. Mr. Davitt agrees the fact that the full present value of the rent-charge as a perpetuity is to be paid over to the landlords by the British Exchequer; that no redemption fund is provided for it; that 68 years hence it will be as much an Irish debt to the British Exchequer as it is to-day. And when he tells us that the British Exchequer will forgive Ireland this debt—amounting to from fourteen to sixteen millions of solid British sovereigns paid to the Irish landlords—and hand over to Ireland the rent-charge for which it has paid that amount, he leaves the region of fact and figures for that of improbable prophecy. Every fraction of the money is secured to the British Exchequer by the Bill. Clause 40, Sub-Section 1, provides for the payment of the annuity, “of which seven-eighths shall be a purchase annuity and one-eighth shall be a perpetual rent-charge.” Sub-section 2 provides for the advance, one portion of which “shall be of such amount that the purchase annuity will be at the rate of three pounds five shillings for every hundred pounds thereof,” and the other portion “shall be of such amount that the perpetual rent-charge will be at the rate of two pounds fifteen shillings for every hundred pounds thereof.” In other words, the landlord will receive 30 10-13 years’ purchase of the terminable part of the annuity and 36 4-11 years’ purchase of the perpetual part. Sub-section 3 provides for the redemption of the former advance; no redemption fund is provided for the latter. The rent-charge merely suffices to pay the interest on the Guaranteed Land Stock paid to the landlord as its equivalent, without any sinking fund. In other words, the landlord receives the full value of it as a perpetuity. Clause 33 provides “that interest at the rate of two and three-quarters per cent. shall be paid by the Land Commission to the National Debt Commissioners on all sums advanced under this Act by the National Debt Commissioners to the Land Commission and not certified by the Commissioners to have been repaid.” As there is to be no repayment for the redemption of the money advanced on the perpetual rent-charge, that means that the Land Commission must pay the National Debt Commissioners the 2½ per cent.—the full amount of the rent-charge—for ever. The rent-charge will amount to from £400,000 a year to £440,000. Thirty-six and four-eleventh years’ purchase of these sums amounts to £14,545,450 and £16,000,000. That part of the advance to the tenants is irredeemable under the Bill. Is there anybody in Ireland who will believe that the British Exchequer will

forego that debt in the event of the creation of that “national authority” which Mr. Davitt predicts? If the debt exists, as it will exist under this Bill at the date of such a creation, it will have to be paid; if it has to be paid the rent-charge must go to its repayment, and no local or national authority can derive any benefit from it. Ireland cannot eat its cake and have it, too; it cannot borrow £15,000,000 from the British Exchequer to give to the Irish landlords, and still have the perpetual rent-charge of which the £16,000,000 is the full value for purposes of industrial development.

The FREEMAN'S JOURNAL, April, 1903.

THE EVICTED TENANTS.

We doubt whether the provision made for the evicted tenants will settle the question. They are included among the persons to whom “unoccupied land” may be sold by landlords. That is, the voluntary system which failed in 1891 and 1896 is revived. But even then it is limited in scope. The advances to such tenants may not exceed £500 in ordinary cases, or £1,000 in exceptional. In other words, the evicted tenants over, say, £50 a year rental are excluded, and those included must still depend upon the landlord for reinstatement.

—The FREEMAN'S JOURNAL, March 26, 1903.

The clause affecting the evicted tenants is, in one sense, better, but in another no better than we have stated. The evicted tenants may be accepted by the Land Commission as purchasers of any unoccupied land on any estate purchased by the Commissioners. But the limit of the advance is to be £1,000. That would allow of the purchase of a holding of only about £53 first term rental, or £45 second term rental, if the minimum price enforced by the clause against sitting tenants is maintained. It would prevent a large class of unselfish men and their families from ever regaining their old status, and would keep open one of the ugliest scars of the Land War. We believe such a vindictive principle is against the whole trend of reasonable public opinion in Ireland. If the evictors are to be so generously provided for, the least that might be expected is that the evicted should be dealt with on the same scale.

—The FREEMAN'S JOURNAL, March 28, 1903.

In another column will be found an examination of the clause dealing with evicted tenants. The writer applies the clause to the case of twelve estates dealt with in the report of the Evicted Tenants Commission. By the ordinary operation of the clause forty per cent. of the evicted tenants would be prevented from buying their own holdings under the Bill, even if their holdings were unoccupied at the sale of

the estate to the Estates Commissioners. Twenty-two per cent. would be excluded absolutely. Settlements have been effected on some of these estates; but the evicted tenants on such estates numbered only a fifth of the total number whose cases came before the Commission. Sir James Mathew's Commission recommended that, where the farms are still in the power of the landlord, a Special Commission should have the right to reinstate the tenant on terms to be decided. Even where the holding had been taken, the Commission was to have power to inquire whether the new occupier had a substantial interest in the holding, and to reinstate the evicted tenant if there was no such interest. Seeing the great advantages offered by the Bill to the landlords it was reasonable to expect that some effort would have been made to achieve the object of these recommendations. Instead of doing so the Bill even denies to the evicted tenant the ordinary rights of an occupying tenant as regards the amount that may be advanced to him, unless, of course, he is first reinstated by the landlord on his former holding. This is not in the spirit of the Land Conference recommendations. Yet the whole rationale of the Bill is that it should be a final settlement of the Land question and the solid foundation of social peace in Ireland. The Bill seems to have been begun with that design. But some influence has imposed upon it defects that go far to deprive it of the claim to that character.

The FREEMAN'S JOURNAL, March 31st, 1903.

The letter which Mr. John Redmond has received from Sir Anthony MacDonnell on the subject of the rights of the evicted tenants under the Land Bill encourages the hope that the authors of the Bill recognise one of its principal defects, and are prepared to apply a remedy. We have directed attention to the position in which the evicted tenants are placed. Unless they are first voluntarily restored to their holdings by the landlords, they cannot receive an advance for purposes of purchase in ordinary cases beyond £500, and in any case beyond £1,000. The limitation would exclude large numbers of them. Sir Anthony MacDonnell, in his letter states that the limits were adopted "on the supposition that they fairly met the substantial necessities of the case." It is possible that the dimensions of the question were not accurately ascertained by the framers of the Bill. But the Bill to be a final settlement should be framed to meet all the necessities of the situation. In another column reasons are

advanced for the opinion that even the removal of the limitation would not meet the whole requirements. The mode in which the price of unoccupied land is to be estimated appears to render it possible that the price will be enhanced for the evicted tenant, and that in order to get back possession he will have to buy back his own interest in the farm. He is given no prior right to the purchase of his old holding. In that respect, too, he ought to have the same rights as a sitting tenant. With twelve millions in hand to assist purchase it ought not to be impossible to enable the evicted tenant to make a fair start. The Land Commission may improve farms before re-sale. Why should not the case of evicted farms to which tenants are restored be treated as if they were part of Congested Estates? The question is one that needs special consideration and treatment, as special as that given to the question of the Congested Districts and the Labourers. The evicted tenants ought not to be left to come into the settlement through the loopholes of the Bill. The policy of the open door is absolutely necessary. That the country is determined not to abandon these men is evident from the declarations that we publish to-day. The Irish farmers would show less principle than that of the poorest workmen's union if their determination were otherwise. If it is common decency for the country so to insist, it will be wise policy for the Government to deal with the question as any railway company or mining association would deal with men on strike. The full fruits in the way of social pacification and the consequent economy on the cost of police and legal administration cannot be gathered if this question is left open.

The FREEMAN'S JOURNAL, April 7th, 1903.

THE CONGESTED DISTRICTS.

The financial provision for the Congested Districts Board is improved to the extent of £20,000 a year. Its credit is increased to £1,250,000 for the purchase of unoccupied land. And it may consent to lose 10 per cent. of the money expended in the purchase of estates. But no grant of compulsory powers is forthcoming, and the owner of the Western ranches retains his veto on the salvation of the people.

The FREEMAN'S JOURNAL, MARCH 26, 1903.

The better monetary provision for the Congested Districts Board will undoubtedly facilitate its work. But the scandal of the congested areas, the existence of large empty sheep

runs and grazing ranches side by side with crowded communities struggling for existence on half-reclaimed land on the margin, or beyond the margin, of profitable cultivation—will continue until the Board gets compulsory powers for the acquisition of land.

THE FREEMAN'S JOURNAL, MARCH 28, 1903.

The resolution adopted by the Bishops of Connaught respecting the provision made by the Land Bill for the settlement of the Congested Districts problem points out one of the gravest defects of the measure. We have already commented in these columns upon the inadequacy of that provision. While increased financial resources are placed at the disposal of the Congested Districts Board, they do not receive even the ordinary powers of an English Parish Council for the acquisition of land on any other basis than a voluntary one. The Bishops of the West suggest that the Board should at least be given the same powers as the Scottish Crofters' Commission. They also declare their opinion that no landlord should be enabled, with public money, to purchase from himself any land outside his residential demesne; nor should any person be allowed to purchase non-residential holdings except upon condition of making them residential; and that the money advanced for this purpose should not in any case exceed £1,000. Unless these, or similar, measures are adopted, the Bishops declare their opinion that the Land Question will not be settled in the West nor the tide of emigration checked. Peace and contentment cannot be restored until the grazing lands taken in the past are given back to the people, who are able and willing to work them for the maintenance of themselves and their families. The resolution will, we trust, receive due attention from the Government and from the coming National Convention. The Irish Land Bill has come out of Connaught. All parties in Ireland are agreed that the settlement of the Western difficulty is essential to a final solution of the Land Question. The Land Conference, in the report which it unanimously adopted, and which was commended to the Government by the Landlords' Convention, declared that the Congested Districts should receive exceptional treatment. The only exceptional treatment provided for them is that a minimum price has not been fixed against their cottiers; and that a 10 per cent. loss may be incurred in re-selling to them estates purchased for their benefit. But the irremov-

able rock of the graziers' obstruction is left untouched; and no provision is made for either circumventing it or overcoming it. The Government might have shown more courage in dealing with a part of the land problem that the landlords' representatives had acknowledged to be exceptional, and a Government Board declared to be insoluble without compulsory powers. They have already accepted and applied the principle of compulsion to the recalcitrant tenant on the Congested Estates. Why should not the principle be applied to the obstructionist landlord? The conditions of the question are notorious: Crowded cottier settlements, decayed "village communities" occupying land beyond the margin of profitable cultivation, while beside them are the big, empty ranches ranged by the shepherd and his dog. No scheme of resettlement worthy of the name is possible until the congestion can be relieved by the extensive acquisition of these unoccupied lands. We trust this remarkable declaration of the united Bishops will have its proper weight and due effect.

—THE FREEMAN'S JOURNAL, April 10th, '03.

THE TENANTS' RIGHTS.

Clause 36 of last year's Act re-appears in an amended form. It is now provided that where the majority of the tenants on an estate agree to purchase from the Estate Commissioners, the minority shall lose their right to a judicial revision of their rentals. Mr. Redmond at once, and rightly, condemned this proposal. The majority may be second-term leaseholders, the minority first-term; and in any case the right of the judicial tenant is one that ought not to be tampered with. He cannot compel his landlord to accept the terms of the Estate Commissioners, why should his landlord have power to compel him?

—THE FREEMAN'S JOURNAL, MARCH 26th, 1903.

The clauses suspending the Act of 1881 on estates partially purchased are as bad, or worse than, was expected. The Lord Lieutenant may actually suspend the rights of the minority of the tenants where a bare majority have agreed to purchase. This is compulsory purchase without compulsory sale.

—THE FREEMAN'S JOURNAL, MARCH 28th, 1903.

The Ulster men protest against interference with the statutory rights of non-purchasers. The proposals of the Bill would undoubtedly inflict injustice. Under one of them a first-term tenant may be absolutely estopped in Court and compelled to buy on the basis of his first-term rent or forfeit for ever his right to a judicial revision of his rental. That is "compulsion" with a vengeance.

On the other points at issue Mr. Russell shows no weakness. His watchword of "Hands off the Land Act of 1881" needs no emphasis. There must be no compulsion put upon the tenants by a Bill that applies no compulsion to the landlords. The proposal to enable Judge Ross to suspend the tenant-right of tenants on Encumbered Estates until his negotiations with the Estates Commissioners might conclude is not to be tolerated. As we have pointed out in these columns, the provision is one intended not merely to interrupt rent-fixing proceedings pending a sale, but to prevent tenants entitled to go into Court and get a fair rent established from the date of their notice, whenever the decision might be arrived at, from serving such a notice. The treatment of future tenants under the Bill he also condemns. The Land Purchase Commission has described, in a document presented to Parliament, the rents that they have dealt with, which had not been revised under the Acts of 1881 and 1887, as "excessive rents, far beyond the present letting value of the land." Such rents cannot be treated as second term rents in a Bill that interferes with liberty of bargaining and prevents any examination of the security offered to the State for the advance of its money. It would be not only unjust to the tenant, but most unfair to the ratepayer, whose local funds are pledged as security for the discharge of the bargain.

—The FREEMAN'S JOURNAL, APRIL 20th, 1903.

THE BONUS.

The whole transaction is to be based on Irish security. All the local public funds of Ireland are practically impounded in the guarantee fund. The Equivalent Education Grant is annexed at once. The Agricultural Grant, the Probate Duties, the resources of the Local Taxation Account are to supply the guarantee fund; and the Treasury is to be repaid its instalments within forty days after they have become due. Even the bonus advances are to be raised on Guaranteed Land Stock. It is clear that the British Treasury will make a net profit out of the whole process; and that all the talk about calls on the British Treasury and the British Taxpayer is beside the mark. The votes for the interest and sinking fund on the bonus will be outpaced by the economies which will begin at once on the Irish Establishment as a result of Land Purchase. Far more than the whole interest and sinking fund on the twelve millions will be saved on the Irish Constabulary vote alone. The Bill itself makes provision for the extinction of two Land Commissionerships when they fall

vacant, and for the loanings of Judges of the High Court to the Land Commission. The disposition made of the bonus is questionable. It seems to be distributed by rule of thumb rather than upon any profound consideration of the problem of how best to use it for facilitating Land Purchase. The percentage varies in inverse ratio to the value of estates. Mr. Redmond has pointed out that by this method no special inducement is given to the big landlords to sell. Perhaps an even stronger objection is that the method of disposing of it does not even afford special help to the weaker class of tenants to buy. If it were given in inverse proportion to the ratio of the annuity to the rent—that is, if the landlord that gave the greatest advantage to his tenants got the greatest advantage from the bonus—it would help reasonable bargains and strengthen the security for the State. Under the Bill as it stands a landlord might get 90 per cent. of his rental capitalised—that is, 28½ years' purchase, and the 15 per cent. bonus as well; while the landlord who sold for 22 years' purchase might only receive a 5 per cent. bonus. This point deserves serious consideration. The aim probably was to give the largest bonus to the poorest class of landlords who hitherto could not afford to sell. But the poorest landlords have, generally speaking, the poorest tenants, who cannot afford big prices, nor are all the poorest landlords the owners of small estates. We trust that no more will be heard of the burden on the British taxpayer. The Bill imposes nothing on the British taxpayer. "An Irish Taxpayer" objects to it in our columns on that account, and protests against the economies upon Irish administration being used for the purposes of the measure. This, however, may be said for that policy, that the purposes are at least better than those upon which Irish money is being at present wasted. For our part, we should be content if even more of those savings were so used, and not absorbed by the British Treasury in great part, as they will be unless a substantial addition is made to the bonus.

—The FREEMAN'S JOURNAL, MARCH 28th, 1903.

Mr. Wyndham has promised economies to the tune of £250,000 a year in the next five years. The maximum expenditure by way of bonus for the next five years will not reach £130,000 a year, if it is to take fifteen years to reach the £390,000, and if the first years are to be the years when transactions will be slow. Therefore, the economies will be greater than

the expenditure. If a courageous hand were applied to the placemen's endowment fund and other extravagances of the Irish Administrations of the past, it would be possible not merely to provide the bonus fund, but the discount fund and the cost of floating the Land Stock as well. There would, in fact, be no necessity to appropriate the Education Grant, much of which is badly needed for other purposes. And if that appropriation stands, a more substantial bonus might be provided. The economies will not end, and ought not to end, at £250,000 a year. But if the policy is to be courageously persevered with, backed by Irish public opinion, the saving ought to be treated as an Irish credit, not as a British asset. Ireland contributes more than her share at present to what the Treasury officials describe as Imperial Expenditure. "The economic drain" ought not to be increased because of the Irish Land Settlement.

The FREEMAN'S JOURNAL, March 30th, 1903
The Royal Irish Constabulary cost £1,400,000. They are thirteen thousand strong. The average cost per head is about £100 a man. A high estimate of the force needed in Ireland if the Land Question were settled would be eight thousand men. The reduction of the force by five thousand would provide a saving of £500,000, sufficient to provide interest and sinking fund at $3\frac{1}{2}$ per cent., or nearly £15,500,000.

—The FREEMAN'S JOURNAL, APRIL 15th, 1903.

DECADAL REDUCTIONS AND FINANCE.

Upon a few points the Landlords' Convention and the National Convention are in agreement. Both unite in demanding the preservation of the system of decadal reductions. If decadal reductions are to be provided, the sinking fund must be increased. A ten shillings sinking fund will provide no decadal reductions worth having. The decadal reduction accruing from such a sinking fund would be only 5 per cent., amounting to a total of about 12 per cent. after 30 years; and it could be obtained only by extending the redemption period to 98½ years, which, as every man who deals in terminable annuities knows, is practically a perpetuity. If decadal reductions are to be maintained, the sinking fund must be increased to at least 1 per cent. That might be done by reducing the interest on the Land Stock to $2\frac{1}{2}$ and increasing the total annuity rate to $3\frac{1}{2}$ per cent. Ten per cent. decadal reductions might then be secured. The change need not

radically alter the Bill; for the payment to the landlord is to be made in cash, and the Equivalent Grant is charged with the interest on the Stock necessary to make up the discount. Mr. Ritchie's restoration of the Consolidated Sinking Fund, which, as we anticipated, has already begun to drive up the price of Consols and Land Stock, makes it a practical certainty that even a $2\frac{1}{2}$ per cent. Land Stock would reach par before many years have elapsed. Unless some change of this kind is made in the financial basis of the Bill, it is idle to talk about preserving decadal reductions.

—The FREEMAN'S JOURNAL, APRIL 25th, 1903.

Of the various bodies that have demanded decadal reductions, the Committee is the first to offer a suggestion of how such reductions could be provided. Sums derived from economies effected in the Administration of Ireland should, they suggest, be set aside for the purpose of periodical reductions "provided that such sums are not required to make good deficiencies arising from non-payment of instalments." The proviso is the first recognition of the possibility of a breakdown on the part of tenants bound to the minimum prices named in the Bill. But it may be doubted whether the scheme would provide decadal reductions adequate as an insurance. £390,000 a year at least of the economies is already earmarked for the bonus. If the landlords, as the Committee suggests, are to receive an all round bonus of 15 per cent. in addition to being relieved of all the expenses of clearing title and distributing the purchase money, at least £500,000 a year must be provided. Putting possible economies at £650,000, that would leave only £150,000 a year for decadal reductions, even supposing all the possible economies were to be devoted to the land settlement and nothing to be left for educational and industrial development. £150,000 a year would provide only 3s. 4d. per cent. on the Ninety Millions mentioned by Mr. Wyndham as the estimated cost of Land Purchase, and the reductions thus rendered possible would still be insignificant and an insurance against future depreciation in the value of land. The only way to meet the necessity is by increasing the sinking fund to at least 1 per cent. That could be done, as we have pointed out, without departing from the framework of the Bill by issuing the Land Stock at $2\frac{1}{2}$ per cent. and increasing the annuity rate to $3\frac{1}{2}$. All the financial machinery of the Bill, which provides for the payment of landlords in cash and the creation of a discount fund by utilising part of the Equivalent Grant, would still stand. The demand upon the latter fund would be in-

creased for the first few years. Land Stock, however, has appreciated nearly 2 per cent. since the introduction of the Land Bill. Now that the Imperial Exchequer is once more paying its debts, and that the Consolidated Sinking Fund has been raised to six or seven millions, the Stock will reach a premium. The prospect of a $2\frac{1}{2}$ per cent. Stock has distinctly improved; and there are solid arguments against creating an Irish National Stock at higher rates than Consols. The result has always been in the long run the making of a big profit out of Ireland by the Exchequer. Thus the Ashbourne Purchasers were charged $3\frac{1}{2}$ per cent. when Consols were a 3 per cent. Stock on the eve of being reduced to $2\frac{3}{4}$. The Ten Millions required for the Ashbourne Act were raised at $2\frac{3}{4}$ per cent. or less, and are now paying $2\frac{1}{2}$ per cent. The Imperial Exchequer made at least $\frac{1}{4}$ per cent. per annum on the Ten Millions, or £62,000 a year. If purchases are to take place only at the rate of Five Millions a year, long before a fourth of the estimated Ninety Millions has been expended a $2\frac{1}{2}$ per cent. Land Stock would be at par. It would be a profitable transaction for Ireland to make good the discount now, and thus secure a shorter redemption period and substantial decadal reductions in the event of a further depreciation in prices. There is no other way of securing these decadal reductions; and it can be done without altering the framework of the Bill to the extent of a joint.

—The FREEMAN'S JOURNAL, APRIL 29th, 1903.

And the Land Bill Bonus, whether it be Twelve Millions or Twenty Millions, will be recouped, and more than recouped, out of the economies resulting from a settlement of the Land Question. The police estimate can be cut down by at least £600,000 a year, long before the Bonus is expended. The saving on the Land Commission will ultimately reach £100,000 a year. If the economists have the courage to attack the waste on the four Courts and the Legal Charges, another £100,000 a year may easily be saved. All these expenses are now put forward by the British authorities, in defiance of the Act of Union and the Act creating the Consolidated Fund, as an "off-set" to the extravagant taxation of Ireland. On the English contention, the money is our own, and if taxation is to be spent according to the will of those who pay it, as the fundamental doctrine of the British Constitution demands, then it is Irish opinion, not English opinion, that ought to be consulted as to its disposal. Ireland unanimously approves the creation of a Bonus

Fund, not "to induce Irish landowners to sell their land at prices greatly in excess of present values," but at reasonable prices. The landlords who have induced or compelled the Chief Secretary to mention prices in his Bill have given Mr. Lambert his solitary foothold of opposition. It is to be hoped that his foothold will disappear in the course of the debate with the announcement of the disappearance of the chief blot upon a Bill intended to be a final settlement of the Irish Land Question.

Nor is there any danger to British credit involved in the transaction. Every penny advanced will be guaranteed up to £150,000,000 by purely Irish funds. The tenant-purchasers' property will be the first guarantee. It has hitherto been sufficient. With the disappearance of the minimum-price provision from the Bill it will still be sufficient. If it should fail the reserves are ample. The Probate Duties, the Agricultural Grant, the Medical Charities Grant, the Licence Duties, the Development Grant make a long concatenation of funds upon which the British Treasury holds its grip. If fifty per cent. of the purchase annuities failed to be forthcoming the British Exchequer would not lose a copper. The loss would fall on the ratepayers of Ireland. Neither the Bonus nor the Loan, therefore, need trouble the sleep of any British legislator. The Treasury experts would tell him, if he consulted them, that they will make a considerable sum if they can succeed in creating a $2\frac{3}{4}$ Land Stock in which to invest their millions of Savings Bank deposits. They are making about £62,000 a year out of the Ashbourne Act. They have lent Ten Millions to the Irish tenant at $3\frac{1}{8}$ per cent. under that Act, and they are now paying only $2\frac{1}{2}$ per cent. on the money. The proposed Land Stock would help to solve their difficulty with the Savings Banks. Altogether, the question is one which the Liberal Agriculturist may safely leave to the representatives of Ireland. If he desires to increase his security, he has merely to help them to secure liberty of bargaining for the Irish tenant.

The FREEMAN'S JOURNAL, May 2nd, 1903.

THE AMENDMENTS NEEDED.

We have ventured to set out in another column eleven points upon which the Land Bill needs amendment. They will be found to cover those upon which the country has already indicated its opinion pretty clearly, though on one or two, such as the reservation

of the rent-charge, that opinion has been challenged from the popular side. That the tenants' charter of existing rights should not be interfered with until he is a peasant owner; that every tenant in Ireland, whether he is a judicial tenant or not, should be admitted to the full advantages of the Bill; that the Land Conference recommendation for the basing of purchase on the second term rental—the only approximately fair measure of the present annual value of the landlord's interest—should have real effect given to it; that there should be no fixing of prices under a voluntary Bill; that rent-charge should be abolished; that the proper way to secure Irish credit against defalcations in the future is by the existing system of seeing that the tenant's holding is security for the advance; that the Purchase Aid Fund should be increased to twenty millions—the interest and sinking fund on which would be fully covered by the savings indicated in Mr. Wyndham's speech if the policy is firmly pursued; that, in accordance with the Land Conference Report, a term of years should be fixed upon the expiry of which the special advantages to the landlords should cease; and that effective clauses for the settlement of the evicted tenants should be introduced, are demands that will be approved by the preponderating opinion of the country. The Labourers' Clauses cannot be improved into a solution of the housing and allotment question. They deal merely with trimmings of the problem. If the Bill is too overcharged to make it a Labourers' Bill, too, let the problem be thoroughly investigated and boldly faced and the present measure be properly supplemented. The labourers' question is not the only one shirked in the Bill. The question of mineral rights, for example, is not seriously handled at all, except to the extent of reserving the rights for the Land Commission. Apart from the serious inconvenience that may result to the tenants who cannot draw a load of gravel or quarry a load of stones on their farms under such a clause without permission of the Commission—it may be doubted whether the clause makes for the investigation and development of such mineral resources as the country possesses. "Geologist," who writes to us to-day, from expert knowledge on that point, holds the contrary, and gives reasons for his opinion.

—From the FREEMAN'S JOURNAL, APRIL 6th.

Public opinion has pointed very clearly to the main defects of the Bill. The summary of suggested amendments that we published a week ago may be supplemented by others upon

which intelligent opinion is also practically agreed. The declarations of the Bishops and clergy of the West have come to enforce the criticisms directed against the shortcomings of the clauses affecting the Congested Districts. The more the Bill is examined in this regard the more necessary does it seem to be that it should be strengthened. So far the Congested Districts Board has merely experimented with the problem. It may be questioned whether it can ever do more with this big question of purchase, migration, and re-settlement in the West. A Board of the kind may administer an Education Act or improve agriculture, or develop fisheries. But when it comes to deal with Land Purchase, hampered as it is by the restrictions imposed upon its credit and the liabilities entailed upon its funds, it is overpowered. The delays that occur even within the Land Purchase Court itself are multiplied in the case of this occasional Board outside the Court. So it has happened that after twelve years but one considerable scheme of resettlement has been carried through. Something must be done, even if the Board does not get compulsory powers, to change this. Either it should get the powers of the Estates Commissioners within the Congested Districts, or the Commissioners should have their jurisdiction extended thereto. The latter change would shorten all the processes of sale and purchase; and, as the Commissioners will have to deal with Congested Estates elsewhere in the same manner as the few estates purchased by the Board within the Congested Districts have been dealt with, it might be for the advantage of all the Congested Areas to be dealt with by one authority of the strength of the new Purchase Commission. The credit of the latter is now sufficient for all purposes. Its Guarantee Fund is ample without impounding the improvement fund of the Congested Districts Board; and the latter and its funds might be set free to develop those schemes that have occupied so much of its energies in the past and which have met with promising success. In all their purchases and sales of untenanted land and demesne land in Connaught, whether within the Congested Districts strictly so-called or not, the Estates Commissioners should have regard to the needs of the people, and the dangers to which the resolutions of the Bishops and clergy have called attention should be provided against. Migration in the Congested Areas or their neighbourhood and provision for the evicted everywhere should have a first call on all unoccupied land that comes into possession of the Estates Commissioners. The

existing Reserve Fund of £240,000, a survival of the Act of 1891, which under the Bill is to be used merely as a sort of "till" out of which money is taken for improvements that are afterwards to be paid for out of purchase money, should be made available for the Estates Commissioners to apply to cases of exceptional need, especially among the evicted and the poorest cottiers of the Congested Areas.

The financial basis of the measure also demands serious consideration. As it stands the term is extended to 68½ years without decadal reductions, though a perpetual rent-charge is imposed from which neither the ordinary tenant nor the taxpayer derives any benefit. This long term is the result of the cutting down of the sinking fund by three-fifths. It is now only half a sovereign per cent., though in the Bill of last year it was 1 per cent. Mr. Wyndham explained, when introducing that proposal last year, that he hoped the tenant would thus be enabled to give two years' purchase more than at present to the landlord. But there was no provision in the Bill of last year to prevent the tenant from getting as much advantage from the extension of the redemption period as he could. Now, however, the period is extended by thirteen years beyond the limit of last year's Bill, and by twenty-six beyond the present; and the tenant is estopped by the minimum price arrangement from getting a share of the advantage. A shortening of the redemption period is called for. It might be accomplished by reducing the interest on the Guaranteed Stock to 2½ and increasing the annuity rate to 3½. The Stock is a Consolidated Fund Stock, it is Consols all but in name. Any temporary discount might be met, as the Bill at present provides; for the ultimate profit would be very great and the national credit be enhanced and millions saved on the total cost of the transaction. The decadal reduction system might also be preserved.

THE FREEMAN'S JOURNAL, April 15th, 1903.

The ultimatum of the Landlords' Special Committee is, according to their expositor in the Press, that "whatever other amendments may be made in the Bill, the limits in Clause I. must remain.

The "Dublin Gazette," of June 5th, contains a "schedule of decisions as to advances published in pursuance of Section 32, Purchase of Land (Ireland) Act." Among the estates for which purchase agreements had been concluded was the Plummer Estate, Mountplum-

mer, Kilcoorha, and Lisnafulla, Co. Limerick. The rental £931 19s 2d. The landlord agreed to sell their farms to the tenants for a total advance of £15,961, or 17.13 years' purchase. The Land Commission refused to sanction the sale, on the ground that the farms were not security for the advance. There are forty-two farms on the estate; twenty-two of them are over £14 valuation; only seventeen are under £5 valuation. The estate, therefore, does not fall within the definition of a Congested Estate as given in the Land Bill. The purchase of the estate under the Bill would have to be transacted within the limits of Clause I. In other words, the minimum price which the tenants could offer under the Bill would, assuming that the rents were second term rents or non-judicial rents, be £20,503, or £4,542 more than the Inspectors of the Land Commission think the estate is security for. The landlord would receive £2,000 more as a bonus, and be saved the cost of clearing title, and be paid in cash, not Land Stock. This would add at least 10 per cent to his cash receipts, and give him about £1,300 more than if he were to be paid in Stock. So that the estate upon which the tenants' interests and the landlords' interests combined do not, in the judgment of the Land Commission, afford security for an advance of £15,961 Land Stock, that is, about £14,500 cash, would under the Land Bill bring as a minimum price about £22,500, or £8,000, that is over 55 per cent., more than the price which the Land Commission has refused to sanction. Among the agreements rejected is one for the purchase of a £43 a year farm for £600, and one for a £48 a year farm for £650. The lowest price at which these farms could be bought by the tenants under the Bill would be £946, and £1,056 if the rents are either second term or non-judicial rents; and £808 and £902 if they were first term rents. The landlord would receive, in addition, his share of the Aid Fund. In face of such facts, we do not think we err in describing the minimum price as the machinery of plunder.

That such prices are utterly unnecessary to secure the landlords their true "net income" we have conclusively shown. We have taken the Dublin Stock Exchange List, and shown that there are £141,000,000 of Trustee and Chancery Stocks yielding 3½ per cent. and over. We have shown that there are over £200,000,000 of Stocks of a similar character, principally Indian and Colonial Government Securities and Railways, yielding from 3½ to over 4 per cent. We have pointed out that out of the £100,000,000 which is the estimated total

cost of the farms to which the Land Bill applies, not more than £60,000,000, and very probably less than £50,000,000, must be invested under the Settled Land Acts, when the mortgages have been cleared. The Land Bill makes specific provision for the extension of the list of Trustee Stocks, and appoints a Public Trustee whose selection of securities for the investment of such Trust Funds will be mandatory on the private trustees. We have, therefore, argued that $3\frac{1}{2}$ per cent. is the lowest rate at which such funds need be invested. At $3\frac{1}{2}$ per cent. 23 years' purchase will yield $80\frac{1}{2}$ per cent. of the landlords' nominal income, even if there are no mortgages on the estate. We have challenged denial of the assertion that 80 per cent. of the nominal rent is a fair average measure of the landlords' true net income. Since that statement was made the only criticism we have received is one protesting that the landlord's net income has nothing to say to the matter!

—The FREEMAN'S JOURNAL, June 6th, 1903.

Mr. O'Brien, in his speech at Cork yesterday, dealt once again with the "exasperating limitations" imposed upon the free bargaining of landlord and tenant by Clause 1 of the Land Bill. He protested, and rightly protested, against the attempt to justify these restrictions by the Clause in the Land Conference Report, which defined what a purchasing tenant might be reasonably expected to pay. That Report, it is true, subject to the decision of the National Convention, recommended that an annuity amounting to 75 per cent. of the second-term rent, or "its fair equivalent," with decadal reductions "as under the existing Acts," should be paid. But to provide the decadal reductions "as under exist-

ing Acts" a 4 per cent. annuity rate would have been required. In other words, the minimum price in the Land Conference Report was $18\frac{3}{4}$ years' purchase of the second-term rents, or "their fair equivalent," and the maximum price only $21\frac{1}{4}$. Under the Land Bill the minimum price is 22 years' purchase of second-term rents and the maximum 28 1-3rd. The annuity recommended by the Land Conference Report was a 75 per cent. annuity, reducible by 14 per cent. at the end of each of the first three decennial periods—in other words, to about 48 per cent. of the current second-term rents after thirty years. To carry out that scheme under the existing Acts only $72\frac{1}{2}$ years would be required. Under the Bill the redemption period is $68\frac{1}{2}$ years, and the full minimum annuity, 70 per cent., must be paid for the whole period. Nor is any attempt made in the Bill to adjust the current rents to second-term standard. On the contrary, non-judicial rents—the most unfair according to the Land Commission's own report, the "excessive rents" which have been sold at from 6 to 15 years' purchase under the existing Acts—are treated as second-term rents; and the adjustment of the first-term rents is lumped with the abatement on the purchase annuity; so that a tenant who is forced to buy at or near the maximum price will gain nothing by purchase. In view of these facts, it certainly is unfair, as Mr. O'Brien protests, to attempt to justify Clause One by a reference to the Land Conference Report. It is something more than unfair; it is dishonest. The Land Conference terms have been given the go-by in the Land Bill; and the latter measure stands or falls on its own merits and demerits.

THE FREEMAN'S JOURNAL, June 8th, 1903.

SUGGESTED AMENDMENTS.

FIRST SCHEDULE.

As the time approaches for the formulation of Irish opinion respecting the changes necessary to render the Land Bill acceptable and to make it the basis of a final settlement of the Land Question, it may be well to summarise the points upon which opinion has disclosed itself and an authoritative direction may be expected from the country; and also to indicate in brief the remaining points upon which the Bill needs amendment. The following are the points upon which it seems to us necessary that the measure should be amended if the Bill is to prove a safe and workable one for the

Irish farmer, and bring the long agrarian struggle to a satisfactory close:—

1. The rights of tenants under the Fair Rent Laws should be maintained intact.
2. No non-judicial tenant should be excluded from purchase by reason merely of his tenure. Caretakers of holdings of which they had previously been tenants should have the rights of tenants for the purpose of purchasing such holdings.
3. As a condition precedent to purchase, non-judicial rents and first term rents fixed or agreed upon down to the end of 1896, should be reduced to the average level, substantially,

of second term rents, and purchase should not be transacted in the cases of non-judicial rents, or of such first term rents except upon this basis.

4. The purchase system being voluntary, the compulsory limits of price in this Bill should be struck out.

5. The aim of the system being to extinguish dual ownership, and equal treatment being essential both as between past and future transactions, and also between the tenant who buys his holding and the landlord who buys back his land sold by him to the State, no rent-charge should be reserved. Such a reservation would for ever exclude the tenant from ownership, by erecting a new and perpetual system of landlordism in the place of the old.

6. It is necessary to maintain the existing statutory condition that the holding, or other land, purchased, is to be sufficient security for the repayment of the advance.

7. The Purchase Aid Fund should be increased to not less than twenty millions; and distributed either in inverse ratio to the number of years' purchase in each case, or by a uniform grant of a fixed number of years' purchase to every selling landlord.

8. A term of years should be fixed in the Bill, on the expiration of which term the provisions for grants from the Purchase Aid Fund, resales to landlords, and ~~distribution of purchase money~~ free of cost should cease to operate.

9. The subject of sporting and mineral rights calls for clear provisions dictated in the public interest, instead of the ambiguous, loose, and inconclusive proposals which appear in the Bill.

10. It is requisite that the limit of advance to an evicted tenant be not less than the ordinary limit: also, that provision be made for restoring evicted tenants to their former holdings when vacant; for making arrangements to that end when the holdings are occupied; and for stocking the land.

11. The proposals with regard to the Labourers Acts are so trivial that they cannot be amended. The Government should be asked to appoint a Commission to inquire and report, this year, how the question may best be adequately dealt with; and a Bill directed seriously to that end should be passed into law next session.

SECOND SCHEDULE.

The consideration given to the Land Bill by the country and the Press has now pretty fully disclosed its defects as a measure intended to do justice to the various interests affected, and provide an approximately final settlement of the Land Question. We have already published a summary of suggested heads of amendment on the points that most loudly call for change and improvement. The discussion of the measure since then has revealed other points. Accordingly a fuller summary is now published:—

1. The rights of tenants under the Fair Rent Laws should be maintained intact.

2. No non-judicial tenant should be excluded from purchase by reason merely of his tenure. Caretakers of holdings of which they had previously been tenants should have the rights of tenants for the purpose of purchasing such holdings.

3. As a condition precedent to purchase, non-judicial rents and first term rents fixed or agreed upon down to the end of 1896 should be reduced to the average level, substantially of second term rents, and purchase should not be transacted in the cases of non-judicial rents, or of such first term rents, except upon this basis.

4. The purchase system being voluntary, the compulsory limits of price in this Bill should be struck out.

5. The aim of the system being to extinguish dual ownership, and equal treatment being essential both as between past and future transactions, and also between the tenant who buys his holding and the landlord who buys back his land sold by him to the State, no rent-charge should be reserved. Such a reservation would for ever exclude the tenant from ownership, by erecting a new and perpetual system of landlordism in the place of the old.

6. The rate of interest on Consols being now $2\frac{1}{2}$ per cent., the new Guaranteed Stock might be issued at $2\frac{1}{2}$, instead of $2\frac{3}{4}$, as proposed, and by this means the decadal reductions, instead of being abolished, as the Bill provides, might be allowed at the rate of 8 per cent.; or, at the option of the purchaser, the period during which his annuity would be payable could be shortened by about ten years. If the annuity rate were $3\frac{1}{2}$, the purchaser might be allowed to choose between decadal reductions at the rate of 11 per cent., and a term of redemption shorter by nearly 20 years than that prescribed in the Bill.

7. Sales of untenanted land, and, in parti-

ular, resales of demesne or other land to vendors, should be subject to the needs of migration, of enlarged holdings, and of making provision for evicted tenants, in the case of each estate or district, and no evicted farm should be resold to the vendor, or sold to a new tenant, if the evicted tenant, or his personal representative, is willing to become the purchaser.

8. The cost of improvement of estates and untenanted land, being charged to every purchaser, and repaid by his annuity, should be provided for as part of the advances required for the purposes of this Act, leaving the Reserve Fund available to the Estates Commissioners for cases of exceptional need.

9. It is necessary to maintain the existing satisfactory condition that the holding, or other land, purchased, is to be sufficient security for the repayment of the advance.

10. The Purchase Aid Fund should be increased to not less than twenty millions; and distributed either in inverse ratio to the number of years' purchase in each case, or by a uniform grant of a fixed number of years' purchase to every selling landlord.

11. A term of years should be fixed in the Bill, on the expiration of which term the provisions for grants from the Purchase Aid Fund, resales to landlords, and distribution of purchase money free of cost should cease to operate.

12. The subject of sporting and mineral rights calls for clear provision dictated in the public interest, instead of the ambiguous, loose, and inconclusive proposals which appear in the Bill.

13. It is requisite that the limit of advance to an evicted tenant be not less than the ordinary limit; also, that provision be made for restoring evicted tenants to their former

holdings when vacant; for making arrangements to that end when the holdings are occupied; and for stocking the land.

14. The cramping restrictions imposed on the Congested Districts Board, which have effectually prevented that body from dealing with the great agrarian evil of the West, would not be removed, or substantially diminished, by the meagre proposals of the Bill; nor can the privations and miseries endured in the Congested Districts be sufficiently abated in any other way than by such a redistribution of grazing ranches as will provide the people of those districts with land enough to yield them the means of living. As the Guarantee Fund—now ample enough for every purpose—is henceforth to apply alike to Congested and other districts, and as advances for Land Purchase are seen to be free from risk, and special treatment is to be applied to Congested Estates throughout the country, it is evident that the time has come for a uniform system of Land Purchase, and that this is to be secured, either by investing the Congested Districts Board, for all the purposes of Land Purchase in their particular areas, with powers corresponding to those of the Estates Commissioners, or else by giving the Estates Commissioners jurisdiction for Land Purchase in the Congested Districts, and authorising the Board to apply its income wholly to its various other objects of expenditure.

15. The proposals with regard to the Labourers' Acts are so trivial that they cannot be amended. The Government should be asked to appoint a Commission to inquire and report, this year, how the question may be adequately dealt with; and a Bill directed seriously to that end should be passed into law next Session.

APRIL 13th.

THE LABOURERS.

The Census of 1901 returns the number of Agricultural Labourers in Ireland over the age of 25, at 96,957, and the number of General Labourers as 84,489. The Commissioners state that the majority of these latter may be assumed to be agricultural labourers. There are, therefore, upwards of 17,000 labourers qualified under the Labourers Acts.

The number of cottages erected under the Acts down to 1903 was in round figures 17,000. Of 16,300 cottages authorised down to 1901, only 452 had been authorised for Ulster. The Bill merely proposes to amend the definition of "labourer" without removing any obstacles to the working of these Acts.

The most authentic description of the existing condition of the Agricultural Labourers of Ireland will be found in the reports of the Assistant Commissioners to the Royal Commission on Labour, appointed to inquire into the condition of the Irish Labourer. With regard to cottage accommodation, Mr. Roger C. Richards reported:—

"It is very hard to know what language to employ in speaking of the various points of inquiry in group (c) cottage accommodation. In this respect Monmouth was by far the worst of the English Unions assigned to me, and in describing what I had seen there, I felt it my duty to draw attention to the lamentable condition of the cottages, and the absolutely joyless condition of the agricultural labourers. Were it possible to transplant the Loughrea agricultural labourers into the Monmouth cottages, bad as they are, they ought to be happy. I have, of course, regarded these cottages from an English standpoint, and made comparisons in my own mind with English models. There may be advantages and disadvantages in this, and I have been told not to expect the same quality of labourers' cottages here as in England. If, however, the standard set up by model English landlords such as Earl Spencer, Lord Clifden, the Marquess of Hertford, Mr. West, Lord Wantage, Mr. W. Barneby of

Saltmarshe, Lord Tollemache, Lord Crewe, and others, be a just one, one cannot easily or consistently get rid of such standard merely because the labourer is Irish instead of English. Yet with anyone not having actually drawback, that they have no utility beyond that of providing work for the time being, and giving a temporary and fictitious impetus to the demand for labour.

seen the two types of cottages, any attempt at comparison would be absolutely misleading. Such English cottages are built of brick, or stone, and slate; with three rooms upstairs, two rooms downstairs, and appointments; every convenience for health, outhouses for fuel, sometimes for washing and baking; in short, houses that anyone not ambitious for large rooms and extra finish might quite comfortably live in. Sanitary arrangements are more perfectly and systematically carried out than is the case in much more pretentious but older houses. In Loughrea all such ideas *must* be discarded." This description, he said, applied to all the Unions visited. As to allotments, none existed.

The bearing of this state of things on the general condition of the Irish labourer is clearly shown by Mr. Richards:—

"Want of certainty or continuity of employment," he writes, "is also another cause tending to lower the condition of the labourer. This presses most heavily at Loughrea, and on the more populous centres in each district. Many of the labourers living in Loughrea (town) cannot obtain employment for more than seven months in the year. Their earnings during this time are such as will only enable them to provide the most ordinary necessities, and are quite inadequate to cover such necessities and also provide a fund for maintenance during the winter months. The result is that a considerable portion of such men have every year to come on the rates for outdoor relief. The condition of such men and that of their families is

wretched in the extreme. I found a number of them—some of them strong men in their prime—lying in bed during the day, because, they had no work, and could keep warm at less cost, and would be less liable to hunger there, than they would if astir in the cottage. I was so painfully impressed with the sight of so much human misery, that sleep was impossible after visiting the cottages. . . . For this, under present conditions, necessary absence of employment in the winter months various remedies have been suggested, such as public works, drainage, etc. Such works have often this

"It is probable that a generous, or even a reasonably adequate, provision of cottages and allotments, or allotments only, where existing cottages are satisfactory or can be made so, would get rid of a considerable portion of the suffering arising from this cause. There are in Ireland upwards of 11,000 labourers' cottages erected, which represents upwards of 5,500 acres of garden land under cultivation. The time which is now spent in cultivating this ground is so much rescued from idleness, voluntary or enforced. Where, as in Loughrea for example, there is a large amount of labour unemployed at certain seasons, it would seem desirable to make the most liberal provision of allotment ground."

Since this was written 6,000 additional cottages have been erected, and many of the gardens enlarged. But the great mass of the labourers are still unrelieved.

Connaught has done nothing through poverty, and the cottier farmer and the agricultural labourer are there indistinguishable. The reasons for the failure of the Acts in Ulster were given by Mr. R. M'Crea, who reported:

"It is difficult to account for the inaction of the local authorities in the northern and western provinces in this matter, but some of the objections urged against the Acts may be mentioned.

"(a) It is said that the sanitary law is sufficient, if enforced, to meet the difficulty, but this it has quite failed to do in the past, for the obvious reason that the compulsory vacating of a dwelling without providing another is an injustice rather than a remedy, and is seldom done.

"(b) It is said by guardians that they are reluctant to burthen the rates with charges for cottages in face of the prevailing agricultural depression, and with a constantly decreasing population; and in connection with this it is urged that the legal and other pro-

fessional expenses, with the cost of sites and contractors' profits, swell the price of cottages beyond their proper value, and that economy would be promoted by granting loans to farmers who require labour, subject to the approval and control of the local authority.

"(c) In talking over this subject with a highly representative man, who knows the north well, he said: 'There is no use beating about the bush, the farmers do not want to create a new order of labourers, who would have the control of the situation,' and this idea may perhaps be more commonly held than acknowledged.

"Another influential man, who does not take this view, but who has strong sympathy with the labourers, and holds that they should have a permanent settlement on the land, thinks that a little gentle pressure might be put upon the guardians with that."

Even, however, where, as in Munster, the local authorities are anxious to improve the condition of the labourer, the other difficulties offer themselves. One experienced official informed Assistant Commissioner W. P. O'Brien:—

"There ought to be some cheap mode of transferring the sites to the guardians without the necessity of going into titles, which in some cases have cost us as much as 10 guineas for a site, in addition to £3 paid to guardians' solicitor.

"In another instance the solicitor to King's Hospital was paid £15 14s for four sites purchased on the hospital property for title; and in an instance where owners failed to prove title, and purchase money was lodged in court, the costs of subsequently drawing the money out of court were taxed at £12 against the guardians."

The recommendations of another experienced official were:—

"I would make it compulsory on a farmer to give up for sites a certain proportion of his farm, say one acre to every 60 or 80 in the holding. The advantage to farmers of a supply of labour at their doors justifies such a measure under present temptations to emigrate. The rent may be automatically determined, the proportionate part of his own rent, or of the valuation.

"All the advertising now required is needless. All the Land Clauses Acts requirements and attendant expenses should be got rid of.

"The Privy Council should be avoided. The Local Government Board Confirmation by Order ought to be sufficient, with right of appeal say to the county court in cases where Local Government Board refuse confirmation.

"Sanitary officers' certificates now required need not be insisted on. Any one can tell as well as a doctor whether a house is fit for habitation.

"A single form of conveyance of the plot may be prepared by the Local Government Board, saving in most cases £2 to the solicitor for each conveyance.

"The clerk of the union, or rent collector, ought to be empowered to appear at Petty Sessions to recover possession from defaulting tenants. (They can appear in sanitary cases under section 257 of Public Health Act.) Now a solicitor must be engaged.

"If the labourer desires to acquire the house

and plot and pays the needful instalment, he may be empowered to do so."

The points to be dealt with by a scheme of genuine amendment are clearly defined in these extracts. They are (1) the provision of means to compel the local authorities to act where they are negligent; the existing powers of the Local Government Board have proved of little value; (2) the simplifying of procedure and the avoidance of unnecessary legal cost. With a general scheme of Land Purchase it ought to be possible to combine a scheme for the settlement of the question which would solve these difficulties. The Clauses of the Land Bill do not touch the points.

THE EVICTED TENANTS.

Assuming that the evicted tenant is to purchase from the Land Commission at the lowest price stated in the Bill for a non-judicial tenant, namely, at 22 years' purchase of the whole rent, it follows that he cannot get the holding if it exceeds an annual value of £22, because the advance is limited to £500. Under certain remote contingencies, but in only certain counties, the advance may be extended to £1,000, from which it follows that the evicted tenant cannot even then get the holding if it exceeds an annual value of £45.

The following table compiled from the Report of the Evicted Tenants' Commission, presided over by Sir James Mathew, will show the proportion of evicted tenants who were then out of their holdings who would have been excluded under these provisions:—

County.	Estate.	No. of Evicted Tenants.	No. over £22 Rent.	No. over £45 Rent.
Cork	Langford	4	4	4
Cork	Ponsonby	250	107	57
Galway	Olanricarde	218	42	*
Galway	H. Lewis	20	12	*
Kildare	Clongorey	30	6	2
Limerick	Cloncurry	37	24	10
Limerick	O'Grady	15	12	12
Louth & Meath	Massareene	66	27	8
Queen's	Luggacurren	60	34	11
Tipperary	Smith Barry	99	50	23
Wexford	Coolgreany	86	32	13
Wexford	Coolroe	9	5	2
Total		894	355	142

* Galway, containing congested districts, all holdings over £22 are excluded, there being 54 exclusions altogether.

Forty per cent. of the tenants would have been excluded under the ordinary provision. None of them could be admitted unless in what seems to be the very unlikely case where an advance of the required sum, up to £1,000, would be considered by the Land Commission "expedient for the purpose of the sale of the estate."

Twenty-two per cent. would be absolutely excluded under all circumstances.

Evicted tenants in the following counties, containing congested districts, cannot purchase if the holding exceeds £22 in value:—Clare, Cork (West Riding), Galway, Donegal, Kerry, Leitrim, Mayo, Roscommon, Sligo.

The proscribed district consists of the whole Province of Connaught, three counties of Munster, and one county of Ulster.

In addition to these estates specially inquired into, in respect of which the particulars here tabled are available, the Evicted Tenants' Commission had several other applications from tenants. The total number from evicted tenants whose cases they reported came within the scope of the inquiry was 4,552.

SIR JAMES MATHEW'S RECOMMENDATIONS.

It is instructive to compare the small and very inadequate provisions in the present Bill with the proposals of the Evicted Tenants' Commission for the settlement of the question. The recommendations of the Evicted Tenants' Commission were as follow:—

"1. The Land Commission, or a Special Commission to be named for the purpose, shall be empowered to settle disputes between landowners and evicted tenants.

"2. Where the evicted holding is in the power or under the control of the landlord, the former tenant shall be enabled to petition the Commission for reinstatement as tenant, setting forth in his petition the terms as to rent or otherwise upon which he is prepared to accept reinstatement. The offer to be submitted to the landlord, with a request for a statement within a given period of his objections, if any, and any counter-proposals

"3. If no amicable arrangement be come to, the Commission shall determine upon what terms as to rent or otherwise the petitioner shall be entitled to be reinstated

"4. Where applications for reinstatement have been made, the owner shall have the option of requiring that the lands shall be purchased by the tenants under the Land Purchase Acts, on terms to be fixed by the Commission. A tenant refusing to purchase shall have no claim to be reinstated.

"5. Upon any such purchase the Commission shall have power either to extend the time over which the instalments are payable or to postpone the payment of the first instalment for such period as they shall think fit.

"6. The Commission shall be empowered to pay to the landlord such sum as shall be con-

sidered just in respect of arrears due at the time that judgment in ejectment was obtained; one-half of any such payment to be paid or secured by the tenant.

"7. Upon the application of the Board of Guardians the Commission shall have power to make loans upon the security of the rates of the Electoral Division to enable reinstated tenants to stock their holdings.

"8. The Commission shall have power upon the application of an evicted tenant to inquire whether a new occupier has a substantial interest in the holding, and when it shall appear that there is no such interest, to reinstate the

former tenant on such terms as shall seem just.

"9. The Commission shall be enabled to ascertain the terms, if any, upon which a new tenant or purchaser having a substantial interest in his holding may be willing to transfer it to the former tenant, and, if they think the terms reasonable, to assist the evicted tenant by making a grant to the extent of one-half of the agreed amount.

"10. Where it is found impracticable to reinstate evicted tenants, the Commission shall have power to purchase lands to re-sell to such tenants under the Land Purchase Acts."

THE CONGESTED DISTRICTS.

The only remedy for the Congested Districts is compulsory purchase. The fourth report of the Congested Districts Board—that for 1895—contains the following resolution, and bears the signatures of Mr. Gerald Balfour, Sir David Harrel, Mr. Charles Kennedy, the Most Rev. Dr. O'Donnell, Mr. Frederick W. Pim, Mr. Horace Plunkett, Mr. James H. Tuke, Mr. Frederick Wrench, Mr. A. J. Balfour, Rev. W. S. Green, Rev. Denis O'Hara:—

That the Congested Districts Board is in possession of information through their Inspectors that there are large tracts of land that could be used to enlarge the holdings of small occupiers and promote schemes of migration in congested districts. The Board are, however, of opinion that it will be impossible for them to give effect to this important department of their work unless more funds are placed at their disposal, and compulsory powers given to them to acquire such lands at their just value.

The effect of the Land Bill would be to double the borrowing powers of the Congested Districts Board for land purchase. The limit at present stands at £1,095,216. Under the Bill it would become £2,332,716. The use of the additional million and a quarter is, however, restricted to untenanted lands. Hitherto the Board have purchased estates as well as untenanted farms. The purchases of estates stand in extent and valuation in the proportion of ten to one to purchase of untenanted farms. On this subject the Board in its seventh report for the year 1898 states:—

We regard the improvement and enlargement of holdings through purchase and resale of estates to the tenants as likely to prove, if wisely and prudently carried out, the most permanently beneficent of the measures it is in our power to take for bettering the condition of the small occupiers in certain of the congested districts. The same remark holds good of migration schemes also, provided the difficulties involved in moving occupiers to a distance from their homes can be overcome.

The Board regard the purchase of estates and the apportionment of the lands amongst the tenants as the first consideration. The purchase of separate untenanted holdings is

attended with cost and difficulty, and the rearrangement of the land when the existing crowded tenancies are not within the control of the Board is a work necessarily of narrow compass, and even with the exercise of the utmost care may not have the effect of relieving congestion—may in fact only increase the evil. The several powers of the Board have hitherto been too closely partitioned to enable them to exercise even the meagre allowances at their disposal with freedom enough to be effective. To make the new borrowing power really useful it should be in the discretion of the Board to apply it as they found desirable to buying both estates and untenanted lands.

But even if the Bill were modified in this direction the Congested Districts Board is powerless to grapple with the question without a scheme for compulsory purchase. Up to the present the Board have been able to avail of their borrowing powers to the extent of less than half a million. This is due partly to the limitations of the advance in respect of purchase in each county separately; but it is chiefly owing to the difficulty of negotiating purchase at a fair price. "We have had to give high prices for the land," the Board declare. They refused to buy the Clare Island Estate until "the (late) Archbishop of Tuam and Mr. Wm. O'Brien entered into a guarantee that the tenants would pay their rents during the ensuing seven years." In the high prices which they have given the principle of a bonus was really included, as is shown by the following extract from the Board's eleventh report:—

We purchased the Leonard estate in the Land Judge's Court in July, 1896, for £5,340, a sum at least £2,000 in excess of the valuation made by our chief inspector. We were led to give this high price by our desire to assist a body of sixty very poor tenants, whose unfortunate position could never afterwards be effectually ameliorated if we had lost this opportunity of acquiring the land available for the enlargement of their holdings.

Here a sum 37½ per cent. in excess of the fair price was paid for the estate. The operations in the congested districts furnish an

illustration of the practical working of compulsion by inducement.

THE BONUS IN OPERATION.

How little the excessive prices offered for land with the object of mitigating the distress has operated in inducing sales may be judged from a statement of the little that has really been accomplished in the congested districts. The number of families within the congested areas is 98,139. The number of families holding at and under £4 valuation is 55,215. The number of families on estates and farms bought by the Congested Districts Board is only 5,761, and, outside of the Dillon estate in Roscommon, is only 1,461. The only thing substantial in any county has been done in the purchase of the Dillon estate, on which there are 4,300 tenants. Outside of that estate only one family in sixty-four in congested districts, and only one in thirty-five of the poorer families, those holding under £4 valuation, have benefited by land purchase, either of estates or "untenanted parcels."

The Bill holds out little more hope for the future.

IMPROVEMENT OF HOLDINGS.

Sub-clause 3 of clause 65 will facilitate the Board in improving the holdings and estates purchased by them before sale or re-sale to the tenants. It enables them to borrow money, as if for purchase, beyond the price paid for the estate, and up to the value of the increased price charged to the tenant consequent on the improvements.

YEARS' PURCHASE IN THE CONGESTED DISTRICTS.

The following table shows the terms of purchase hitherto in the congested districts:—

County.	Estate.	Rental.	Purchase Price.	Years' Purchase.
Galway.....	Brown	£119	£1,830	15½
"	Leonard	378	5,354	14
"	Netterville	161	2,319	14½
"	Thomson	138	1,250	9
Donegal.....	Carrowcannon ..	41	653	16
"	Charley	591	7,500	12½
Mayo.....	Browne, G. E.	185	2,361	12½
"	Burke	1,508	22,700	15
"	Clare Island	496	5,000	10
"	Digby	196	2,000	10½
"	Fitzgerald, S.	39	610	15½
"	Higgins	202	2,633	13
"	Mitchell	941	16,499	17½
"	O'Reilly Dease	34	347	10
"	Port Royal	730	10,500	14½
Roscommon....	Dillon	20,371	290,000	14½
"	French	582	7,600	13
" Total		22,712	£379,156	14.2
Mean of Years' Purchase			13½	

The highest number of years' purchase is 17½, and the lowest 9, and the mean of all the estates is 13½ years' purchase.

It will be of interest to examine the effect of the State Security Clause, unaccompanied by compulsion, in restricting sales in the congested districts. "We have had to give high prices for the land," is a general observation of the Board in their report. It will be seen from the quotation already made that the Board paid £2,000 at least in excess of the fair price of the Leonard estate at Carna. That left the fair price at nine years' purchase, but in the Land Judges' Court the Board were compelled to advance from nine years' to fourteen years' purchase, giving a five years' bonus in order to acquire the property and save sixty families from permanent distress. The "bonus" took another and remarkable shape in the purchase of the Carrowcannon estate. The price demanded was 20 years' purchase. The Congested Districts Board's offer was 16 years'. No sale would apparently have taken place but that some evicted tenants raised a sum of £164—equal to four years' rent—which they paid as a "fine" to get back their holdings, and so the price went up, beyond the Board's offer of sixteen, to twenty years' purchase.

A brief look at the circumstances of the Clare Island estate as shown in the Report of the Congested Districts Board will show the difference to the tenant between purchase now and purchase a few years ago, and it is only fair to the tenants to explain why it is that security was required for the payment of their rents. The Chief Inspector of the Congested Districts Board made a survey of the estate for the Board. This Government official reported—"As far as I could judge, there are not many tenants on the island able to pay their rents and other debts"; and he continues—"I am informed that the tenants paid their rents well previous to eight or nine years ago. During the past six years they paid very little rent, and in that time the class of stock which they keep has depreciated in value to the extent of from 30 to 40 per cent." He estimates the present value of their live stock at £3,209, and, taking the yearly sale at a third of their stock, a reduction of 30 to 40 per cent. in price means an annual loss to the tenants compared with six years before of between £470 and £730. The rent of the estate was £496. So the tenants' annual loss by the fall in values of cattle alone varies from nearly the amount of the rent to once and a half the rent. It is a tribute to the tenants that in view of this annual loss their arrears of rents and rates at the time of purchase amounted to only £1,520 6s 9d.

Purchase and re-sale is the only remedy that

the Congested Districts Board lay stress upon as giving hope for elevating the tenants in the congested districts. What does this Bill do to facilitate the application of this remedy? The Board have no means of inducing the landlord to sell unless at a price pleasing to himself. What is happening tends to make that price one that they cannot give, having regard to the provision in the Bill, that the advance to be made to the tenant is to be no higher than the holding will be security for. Taking into account on the one hand the smallness of the advance that the Board can, under Clause 73, consider such lands as these security for, and, on the other hand, the now inflated expectations of the landlord, the proposals in the Bill can hardly be regarded as a serious effort to deal with this urgent problem.

PRICES AND RENTS.

In the fixing of rents the Land Commissioners take the prices over a number of years, varying, according to the practice of the different Courts, from six years to ten years. The first term rents, the fixing of which was commenced in 1881, were determined by the prices for such a period of years ending with that year. Similarly the amount of the second term rents was influenced by the prices for the period of years preceding 1896. An examination of the prices in Purdon's Almanac (which, until the Land Commission began collecting prices in 1887, was the standard authority, and accepted for official purposes) shows that the average prices of all classes of agricultural produce and live stock for the ten years from 1886 to 1895—the ten years preceding the second term rents—were 28.9 per cent. all round lower than the average prices during the ten years immediately preceding the first term rents, viz., 1871 to 1880. This will appear from the following table:—

	Av. Price, 1871-80.	Av. Price, Reduction 1886-95. Per Cental.
Barley per cwt.	£ s d 0 16 7	£ s d 0 15 6 .. 19
Flax "	4 1 0	2 11 1 .. 37
Hay "	0 4 7	0 3 7 .. 22
Oats "	0 13 10	0 11 8 .. 16
Straw "	0 2 8	0 2 0 .. 28
Wheat "	1 6 3	0 16 8 .. 37
Potatoes "	0 4 7	0 3 0 .. 35
Butter "	5 14 0	4 10 5 .. 21
Beef "	3 14 9	2 9 5 .. 34
Mutton "	4 1 10	3 1 9 .. 25
Pork "	2 13 0	1 12 9 .. 29
Eggs per 120	0 7 5	0 5 10 .. 22
Wool per lb.	0 1 5	0 0 8½ .. 50
Milch Cows, each	19 4 0	13 4 8 .. 31
2-year olds "	12 7 6	8 17 8 .. 28
1-year olds "	7 10 0	5 10 4 .. 30
Lambs "	1 16 0	1 8 8 .. 20
Average Reduction		28.9

An examination of the prices and their effects upon the farmer's income and rent may now be instituted between so much of the second statutory term as has been completed and the corresponding years of the first term, viz., the period from 1897 to 1902, inclusive, as compared with the period from 1882 to 1887, inclusive. The prices in Purdon's Almanac cover

most classes of agricultural produce—tillage crops, live stock, and animal products. The Land Commission prices are complete for tillage, back to 1881, but prices of cattle do not go back beyond 1887. The following table, compiled from Purdon, will show how prices stand in the second judicial term rent period as compared with the first judicial term:—

	First Term. 1882 to 1887.	Second Term. 1897 to 1902.	Percentage of Reduction.
Wheat, per cwt...	£ s d 0 7 10½	£ s d 0 6 4½	.. 20
Oats "	0 7 2½	0 6 11½	.. 3½
Barley "	0 7 1½	0 6 6½	.. 8½
Butter "	4 13 11½	4 4 9	.. 15½
Beef "	3 0 7½	2 10 0½	.. 17½
Mutton "	3 13 4½	2 17 2½	.. 22
Pork "	2 6 8½	1 18 3	.. 17½
Potatoes "	0 3 4½	0 3 3	.. 3
Wool, per lb.	0 0 9½	0 0 6½	.. 34½
Hay, per cwt.	0 3 7	0 2 11½	.. 18½
Straw, per cwt.	0 2 5½	0 2 4	.. 7
Eggs, per 120	0 8 0½	0 5 9½	.. 28
Milch Cows, per head	17 1 8	12 5 0	.. 27½
Two yr. old Cattle	11 3 9	8 9 6½	.. 24½
One yr. old "	7 2 4½	5 11 1	.. 22½
Lambs	1 13 7½	1 6 5½	.. 22½
Average Reduction			23

An examination of the table shows that tillage crops have fallen 10 per cent. all round—of which grain has fallen 1 per cent.—butter has fallen 15½ per cent., and cattle (exclusive of milch cows) 23 per cent. These are the three grand divisions of Irish farming—tillage, dairying, and grazing. Before examining the effect of these reductions on each branch of agriculture it will be well to examine the Land Commission returns. The returns are not complete, as regards live stock, further back than 1887, but they are complete as far back as 1881 for tillage. The returns for 1902 have not yet been issued, and the six year periods will run from 1881 to 1886 for first term rents, and from 1896 to 1901 for second term rents. Taking the average of each year of these two periods we get the following results:—

	1881 to 1886.	1896 to 1901.	Percentage of Reduction.
Wheat, per cwt...	£ 7 7½ ..	£ 6 6 ..	14½
Oats ..	0 5 10 ..	0 5 13 ..	11½
Barley ..	0 6 10½ ..	0 6 9 ..	3
Hay ..	0 2 11½ ..	0 2 7½ ..	11½
Flax ..	0 6 5 ..	0 5 6 ..	14
Average Reduction in Tillage			10

It will be seen that though differing in detail the two tables arrive at practically the same result, a ten to eleven per cent. fall in the price of crops. The Land Commission returns show a fall of 11½ per cent. in oats, while Purdon shows an 8½ per cent. reduction in barley. Purdon gives the fall in hay at 18½ per cent., while the Land Commission represent it at 11½ per cent.

The question now arises: What relation does the reduction of 23 per cent. in prices all round bear to the rent? The 23 per cent. comes off the gross earnings of the farm. But the rent, taking the average all round, would be 20 to 25 per cent. of the same gross earnings. Most of the tenant's outgoings are fixed. The expenses of the farm have indeed increased—the cost of labour is between 30 and 40 per cent. higher than in 1881, and many of the other outgoings have also increased, so that, apart from the reduction of price of produce the tenant has been hard hit in other directions also. But the rent being 20 to 25 per cent. of the gross earnings, the fall in prices of 23 per cent. (which reduces these earnings by 23 per cent.) has caused an amount equal to the former rent in 1881 and the succeeding years to disappear from the earnings of the farm during the six years of the second term period that have passed. This question is, however, best considered separately in its bearings on the three divisions of agriculture—tillage, dairying, and grazing.

TILLAGE FARMS.

The fall in the price of tillage produce is 10 to 11 per cent. in the second term period as compared with the prices during the first judicial term. The expenses of tillage farming are heavy, and though the gross earnings be high as compared with the other branches, yet the expenses being so great the net income is very small. Hence, on tillage land a considerable sum has to be allowed for the cost of farming, and the rent bears only a small proportion to the gross earnings of the holding. Theoretically in 1881 the principle was accepted that after making deductions for expenses, etc., on a well-situated farm of good land, within easy reach of the markets, one-sixth of the produce of

the tillage farm should be set aside for rent. The expense of tilling inferior land would be much greater, and deductions for distance, inaccessibility, or improvements often brought the rent down to a tenth of the value of the produce as sworn to or estimated in court, in some cases less, and it was only very rarely, in fact, that the ideal sixth was reached. Taking it at a sixth, the rent of a tillage farm the earnings of which were £100 in 1881 to 1886 would £16 13s 4d. Ten to eleven per cent. fall in prices of his crops would amount to a loss to the tenant, since the second term began in 1896, of £10 or £11 per annum. Therefore, to put the tillage farmers who have been paying second term rents since 1896 in the same position as when their first term rents were fixed, in 1881 to 1887, their rents would have to be reduced by the £10 to £11 by which their earnings have been reduced through the fall in prices between the two periods. But the £10 to £11 loss by the fall in prices represent 60 per cent. to 57 per cent. reduction on the rent of £16 13s. 4d. Where the farm has not the ideal situation or the land is not the best the proportion of rent to earnings was much less than a sixth in 1881, and the succeeding years—it was so, as a matter of fact, on most farms. Where it was as low as a tenth, the loss equal to the old rent in 1881 has decrued.

DAIRYING.

The produce rent on well-situated dairy farms in 1881 was generally set down at a third of the gross earnings. In practice, the rent was frequently a fourth, and sometimes a fifth, of the earnings. Purdon's Almanac gives the fall in price of butter between the average of the first six years of the first term rents and the first six years of the second term rents at 15½ per cent. On a dairy farm the gross earnings of which amounted to £100, the rent at a third of the produce would be £33 6s 8d, and the loss by the fall in prices since the rent was fixed would amount to £15 5s, a sum equivalent to 45½ per cent. of the rent. Where the rent was a fourth of the produce the fall in price of butter would be equal to 61 per cent. of the rent of the holding, and where the rent is a fifth the rent reduction would be equal to 76 per cent., the all-round reduction to put the dairy farmer under second term rents in the same financial position that he was in in 1881 to 1886, being over 60 per cent. of the rent.

The returns of the Cork Butter Market for

1881 gave the prices as follows:—Firsts, 11s.; seconds, 10s.; thirds, 9s. In 1896 the prices were—Firsts, 81s, showing a reduction of 26 1-3 per cent.; seconds, 75s, a reduction of 26½ per cent.; and thirds, 68s, a reduction of 27 per cent. This shows a fall in price of butter in the Cork Market between the opening years of the first and the second judicial terms of 26½ per cent. Twenty years before the opening of the second term in 1876 the Cork Butter Market prices averaged 124s. 6d. as compared with 74s. 8d. in 1896, a reduction of forty per cent. The 26½ per cent. fall in prices of butter between the first year of the first judicial term and the first year of the second judicial term is equivalent to 80 per cent. of the rent at one-third of the produce, and is over 100 per cent. of the rent at one-fourth of the produce; so that this 26½ per cent. fall in price means the disappearance of a profit equal to the old rent on dairy farms. The fall of 15 per cent. on the price of butter would represent a loss of £1 per annum on one of the small farms of Cork or Kerry. The profit on pigs is always considered in estimating the produce of the dairy farm. Pork, it will be seen from the table, has fallen 17½ per cent. The pig is an important item, too, on potato farms. Evidence of the amount realised by the sale of calves is taken before the Land Commission, though the best agricultural authorities set off that against the casualties incident to a dairy holding. The price of milch cows has fallen since the first judicial term by 27½ per cent.

SHEEP—WOOL.

The price of wool has fallen by 34 per cent. since the first judicial term. The average fall in the price per lb., 3½d., represents about 2s. per sheep. Sheep are not priced in "Purdon's Almanac," and the Land Commission returns for sheep do not extend back further than 1838. In "Purdon's Almanac" the price of mutton is given, and shows a fall of 22 per cent. The fall in the price of wool, added to the fall in mutton, would represent a fall in sheep of 27½ per cent., or 12s. per acre on sheep farms. Sheep farms were rented on the principle of allowing the landlord two-fifths of the produce.

FAT CATTLE.

Grazing is the least expensive division of farming, and the rent is often half the earning of the farm. The fall in the prices of two year old cattle is 24½ per cent. Fat cattle are not distinguished except in the Dublin Metropolitan Market since 1892, by the Land Commission. It is some guide to the movement of prices in this country to examine the English Board of Agriculture returns of prices at the London Metropolitan Market, where the prices for the period 1881 to 1885, as compared with 1896 to 1900, show a fall of 29½ per cent. in fat cattle, and of 24 per cent. in fat sheep. The

29½ per cent. would represent a minimum reduction of 59 per cent. on the rent of the grazing farms. This brief review of the circumstances of farmers in the three principal divisions of agriculture—tillage, dairying, and grazing—will enable the reader to understand the following tables, in which the results of the fall in prices are shown: (1) As they affect the margin for rent; and (2) as they show the altered position of the farmer who has obtained the second term reduction, yet whose position is financially much worse than when his first term rents were fixed. In the first a farm is taken the produce of which in 1881 to 1885 was £100. The first column shows the nature of the holding from the use which the tenant principally makes of it, the second column shows the first term rent, the third column shows the reduced value of the output of the farm owing to the fall in prices of its produce during the six years that have elapsed of the second judicial term as compared with the corresponding years of the first judicial term. The fourth column exhibits the reduction that should be made in the second term rents, in order to equalise the position of the second term tenants with the first term tenants.

Nature of Holding	First Term Rent.	Reduction in Value of Produce.	Representing Percentage of Rent.
Tillage	£10 0 0 to 16 13 4	£10 0 0 to 11 0 0	60 to 100
Dairy	£20 0 0 to 33 6 8	£15 5 0	45 to 76
Sheep	£40 0 0	£27 10 0	69
Cattle	£50 0 0	£23 10 0	59
Average	£32 10 0	£20 13 9	63½

Thus, to make the position of the tenant under second term rents equal to his position under first term rents, he should get a reduction on the second term averaging 63½ per cent. off the first term rents. The reduction which has actually been made in the Courts up to last year averaged 23.4 per cent., and ranged from 15½ per cent. in County Mayo to 30½ per cent. in County Down. These calculations bring us to the loss which the second term tenant has to face yearly as compared with his position while under first term rent. In the following table this loss is set out under the same classification of holdings as before. The farm is one rented under the first judicial term at £30. The first column of figures shows the depreciation by reason of the fall in prices of the produce of the farm—that is to say, the farmer's gross earnings. The second column shows the reduction in Court, calculated as follows:—Tillage land, 26 per cent., which is the average reduction in the tillage counties of Ulster and Leinster; dairy holdings, 20 per cent., the reduction in the dairying counties of Munster; sheep, 21 per cent., the reduction in Roscommon; and cattle, 20 per cent., the reduction in the grazing counties of Leinster. The last column shows by what sum the tenant who has got his second judicial term reduction

is worse off than when his first term rent was fixed.

EFFECT OF SECOND TERM REDUCTION AND OF FALL IN PRICES ON A FIRST TERM RENT OF £30.

	Depreciation in Produce.		Second Term Reduction.		Annual Loss in Second Term.
Tillage ..	£18 0 0	..	£7 16 0	..	10 4 0
	to				to
	22 7 6				16 7 6
	30 0 0				22 4 0
Dairy ..	£13 14 0	..	£6 0 0	..	£7 14 0
	to				to
Sheep ..	£20 12 4	..	£6 6 7	..	£14 5 9
Cattle ..	£17 14 0	..	£6 0 0	..	£11 14 0
Average ...	£23 0 0½	..	£6 10 8	..	£13 12 4½

This shows that the average second term tenant who has obtained a reduction of 22 per cent. on a first term rent of £30 is, during the six years of the second term that have elapsed, worse off by £11 7s. 9d. per annum than he was the corresponding six years of his first term.

HOW THE LOSS IS APPORTIONED.

The apportionment between landlord and tenant of the loss in farming caused by the fall in prices claims attention next. The loss as seen in the first table is equal to 63 per cent. of the rent, while the reduction off the rent is only 22 per cent. The case in the second table of a tenant whose first term rent was £30 will make this clearer. The value of the produce of his farm has diminished, by the fall in prices, to the extent of £17 18s. 5d. His first term rent is reduced by £6 10s. 8d., leaving him still with a net annual loss of £11 7s. 9d. The £6 10s. 8d. is the landlord's contribution to the loss; the share of the loss put upon the tenant is £11 7s. 9d. The tenant has to bear 63½ per cent., or nearly two-thirds, of the loss by the depreciation in value of farm produce. The landlord's share of the loss is only 36½ per cent., or about one-third.

To equalise the loss between both interests the reduction should be not 22 per cent., but 31½ per cent. The reduction in rent on tillage land, to place the burden of the fall in prices equally on the landlord and the tenant, should be 40 per cent.; it is only 26 per cent. Similarly the reduction of rent in dairy holdings should be 60½ per cent., while it is only 20. On sheep farms the reduction should be 34½ per cent., instead of 21 per cent.; and on cattle-grazing holdings it should be 29½ per cent., instead of 20 per cent.

AGRICOLA.

THE PRICE.

Mr. LAMBERT asked the Chief Secretary if he would state the maximum and minimum number of years' purchase, including bonus, that an Irish landowner may receive on the first term rent and second term rent, respectively, under the provisions of the Irish Land Bill.

The CHIEF SECRETARY—The question is of such importance, and a bare reply to it is so liable to misconception, that I must ask leave to preface any reply by two observations.

(1) The total purchase-price consists of two portions, viz.: (a) The total amount advanced in respect of several purchase annuities and perpetual rentcharges which the purchasers individually agreed to pay; and (b) the percentage from the aid fund grant, which is calculated on that total amount by a system of inverse graduation. My second remark would be that of that purchase price a portion including the percentage, goes absolutely to the vendor. The remainder is paid to him after interests and claims have been met. With that explanation the answer is:—First term rent of £100; maximum, £2,894.55, or nearly 29 years' purchase; minimum: £1,892.30, or nearly 20 years' purchase; second term rent of £100—maximum: £3,265.8, or about 32½ years' purchase; minimum: £2,315.15, or just over 23 years.

Mr. LAMBERT—Does that include the bonus?

The CHIEF SECRETARY—Yes.

Mr. EMMOTT asked whether the highest rate was 15 per cent.?

The CHIEF SECRETARY—Yes; the highest rate is 15 per cent. on estates not exceeding £5,000 value.

Mr. J. REDMOND asked on the question of the distribution of the purchase price, whether one portion went absolutely to the vendor, and whether the rest was distributed according to the claims; also whether the portion which went to the vendor was the amount of arrears up to one year?

The CHIEF SECRETARY—Yes, and the bonus.

—PARLIAMENTARY REPORT, MARCH 30th, 1903.

THE IRISH LANDLORD'S FUTURE INCOME.

The following is a list of securities yielding at present market prices 3½ per cent. and upwards.

The first list gives the Trustee (including Chancery) Stocks and the second is a list of securities containing many which might be selected as trustee investments under the provisions of Clause 46 of the Land Bill as being

a great improvement on Irish Land investment
under existing conditions:—

TRUSTEE STOCKS.

COLONIAL GOVERNMENT SECURITIES. REGISTERED AND INSCRIBED STOCKS.

Amount of Stock.		Yield per Cent at Present Market Price.	
£3,630,000 ..	New South Wales (4)	£3 12 3	
16,500,000 ..	do. (3½)	3 12 3	
12,826,500 ..	do. (3½)	3 11 9	
29,151,302 ..	New Zealand (4)	3 11 6	
7,939,000 ..	Queensland (4)	3 16 0	
8,157,734 ..	do. (3½)	3 11 6	
2,517,876 ..	South Australian (3½)	3 10 0	
3,456,500 ..	Tasmanian	3 10 9	
4,007,002 ..	Victoria (4)	3 13 6	
6,000,000 ..	do. (4)	3 13 9	
5,000,000 ..	do. (3½)	3 12 3	
7,000,000 ..	do. (3½)	3 12 3	
750,000 ..	Western Australia (3½)	3 12 0	
£111,342,896..Total.		£3 10 0 to £3 16 0	

HOME RAILWAYS—DEBENTURE STOCK.

£207,937 .. Cork B'don & S. C. Rly.. £3 12 0

HOME RAILWAYS—GUARANTEED STOCK.

£243,141 .. Belfast and Co. Down £3 10 3
48,000 .. Cork, B'don, & S. C. (5½) 4 0 3
38,246 .. Cork, B'don, and S. C. (4) 3 16 6

£342,344..Total. £3 10 3
to £4 0 3

HOME RAILWAYS—PREFERENCE STOCKS AND SHARES.

£200,000 .. Belfast and Co. Down (4) £3 10 6
173,629 .. Cork and Bandon 4 0 6
48,000 .. Cork and Bandon 4 2 0
50,000 .. Londonderry and L. Swilly 3 10 6
300,000 .. Midland Great Western 3 11 9
963,250 .. Midland Great Western 3 11 6
2,172,580 .. South Eastern Cons (4½).. 3 10 9
2,640,820 .. South Eastern Cons (5) .. 3 11 3
2,109,311 .. Taft Vale 3 10 6

£3,662,599..Total. £3 10 6
to £3 11 9

RAILWAYS—INDIAN AND COLONIAL.

£7,550,000 .. Bombay & Baroda & C.I. £4 4 3
3,975,217 .. East India C. An 3 18 9
8,757,670 .. Madras (Guar. 5 per cent.) 3 17 6
300,264 .. Scinde Punjab An 3 10 6

£20,583,151..Total. £3 10 6
to £4 4 3

OTHER INVESTMENTS.

COLONIAL GOVERNMENT SECURITIES—BONDS.

Amount of Stock.		Present Market Price.	
£2,209,321 ..	Canada	£3 10 0	
346,700 ..	Manitoba	4 0 3	
2,178,800 ..	Newfoundland	3 16 0	
520,500 ..	Quebec	3 15 6	
10,267,400 ..	Queensland	4 0 0	
6,586,700 ..	South Australian	4 0 6	
£22,109,421..Total		£3 10 0 to £4 0 6	

COLONIAL GOVERNMENT SECURITIES. REGISTERED AND INSCRIBED STOCKS.

£7,900,000 ..	Canada	£3 11 0	
2,333,195 ..	Cape of Good Hope	3 11 0	
9,997,566 ..	Cape of Good Hope	3 11 0	
8,214,086 ..	Cape of Good Hope	3 10 3	
1,098,909 ..	Jamaica	3 14 0	
2,927,900 ..	Queensland	3 16 3	
4,840,600 ..	South Australian	3 17 6	
5,421,800 ..	Victoria	3 19 9	
2,107,000 ..	Victoria	3 17 9	
1,876,000 ..	Western Australia	3 14 9	
£48,117,354..Total		£3 10 0 to £3 19 9	

CORPORATION STOCKS—DEBENTURES, Etc.			
£100,460 ..	Bray Township Deb.	£3 16 6	
177,255 ..	Cork Corporation	3 10 3	
182,808 ..	Cork Harbour Cons.	3 14 0	
100,000 ..	Rathmines and Pem Drg..	3 14 6	
387,452 ..	Rathmines Township	3 10 9	

£947,975..Total. £3 10 3
to £3 16 6

HOME RAILWAYS—PREFERENCE.

£12,465,480 ..	Caledonian	£3 14 6	
499,731 ..	Central London	3 16 6	
10,910,172 ..	Great Northern, England..	3 17 9	
2,948,420 ..	London, Brighton & S.C..	3 17 6	
3,775,700 ..	London & Sth. Western..	3 14 9	
7,998,447 ..	North British Ord. Pref..	3 17 6	

£38,598,020..Total. £3 14 6
to £3 17 9

HOME RAILWAYS—DEBENTURE STOCK.

£400,812 ..	Dub. Wick., & Wexford (4)	£3 18 6	
257,385 ..	Dub., Wick., & Wexford (4½)	4 0 6	
94,430 ..	Dub., Wick., & Wexford (4½)	4 2 0	
80,000 ..	Dub., Wick., & Wexford (4)	4 1 9	
5,522,670 ..	London, Chtm & Dover (4½)	3 10 0	
1,211,625 ..	Metropolitan District (6½)	3 18 0	
100,000 ..	Sligo Leitrim & N.C.R. (3½)	3 14 9	
40,000 ..	Sligo Leitrim & N.C.R. (4)	4 0 9	

£7,707,552..Total. £3 10 0
to £4 2 0

HOME RAILWAYS—GUARANTEED STOCK.

£200,000 ..	Dub., Wick., & W'ford (6)	£5 0 9	
225,000 ..	Do. City Dublin June. (4)	3 19 6	
1,066,083 ..	Great Central (4)	3 10 3	

£1,491,083..Total. £3 10 3
to £5 0 9

HOME RAILWAYS—PREFERENCE STOCKS AND SHARES.

£1,008,000 ..	Great Central (5)	£3 12 0	
6,706,184 ..	London Chatham & Dover	3 10 0	

£7,714,184..Total. £3 10 0
to £3 12 0

RAILWAYS—INDIAN AND COLONIAL.

£2,753,000 ..	Bengal and North W.	£3 19 9	
3,000,000 ..	Bengal and Nagpur	3 16 3	
2,000,000 ..	Burma, Ltd	3 10 9	
2,250,000 ..	India Midland	3 15 2	
2,000,000 ..	Nizam's State Rails	4 0 9	
300,264 ..	Scinde Punjab	3 10 6½	
966,000 ..	Southern Punjab	3 19 3	
1,350,000 ..	Atlantic and N. W. Bds.	3 18 3	
297,600 ..	Buffalo and Lake Huron..	4 0 0	
844,867 ..	Canadian Pacific	3 15 0	
6,406,000 ..	Do. No. Cum. Pref.	3 16 3	
7,191,500 ..	Do. 1st. Mort	3 16 6	
11,754,606 ..	Do. Perp. Deb.	3 11 0	
5,219,794 ..	Grand Trunk Canada Guar	3 17 9	
3,420,000 ..	Grand Trunk 1st Pref.	4 9 9	
2,530,000 ..	Grand Trunk 2nd Pref.	5 3 0	
4,270,375 ..	Grand Trunk Perp. Deb.	3 13 6	
14,134,731 ..	Grand Trunk Perp. Deb.	3 12 9	
2,735,080 ..	Grand Trunk G.W. Per Deb	3 14 3	
1,072,100 ..	Grand Trunk Midland Mt.	4 6 6	
2,500,000 ..	Mashonaland 1st Deb.	4 16 6	
500,000 ..	Mid. W. Austr. Deb	3 18 9	
6,000,000 ..	Min. and S. Paul	3 16 9	
120,000 ..	New Brunswick	3 19 0	
170,000 ..	New Brunswick Per. Deb.	3 13 3	
800,000 ..	Ontario & Quebec Per. Deb	3 13 0	
400,000 ..	Rhodesian Loan 1st Deb.	4 14 3	
170,000 ..	Toronto Grey & B Bonds..	3 15 6	

£84,972,917..Total. £3 10 6
to 5 3 0

SUMMARY.

TRUSTEE AND CHANCERY STOCKS.

£111,342,896 ..	Colonial Govt. Securities..	£3 10 0	
	to	3 16 0	
207,937 ..	Home Railway Debs.	3 12 0	
542,344 ..	Do. Guaranteed Stock..	3 10 3	
	to	4 0 3	
8,662,599 ..	Do. Pref Stock & Shares	3 10 6	
	to	4 2 0	
20,583,150 ..	Rlys India and Colonial..	3 10 6	
	to	4 4 3	
£141,338,940..Total.		£3 10 0 to 4 4 3	

OTHER INVESTMENTS.

£22,109,421	.. Colonial Govt. Sec. Bonds	£3 10 0
		to 4 0 6
48,117,354	.. Do. Stock	3 10 3
		to 3 19 9
947,975	.. Corporation Stk, Debs, etc	3 10 3
		to 3 16 6
38,599,020	.. Home Railways, Pref. ..	3 14 6
		to 3 17 9
7,707,522	.. Do. Debentures	3 10 0
		to 4 2 0
7,714,184	.. Do. Guaranteed Stock ..	3 10 0
		to 3 12 0
84,972,917	.. Rlys, Indian and Colonial	3 10 6
		to 5 3 0
£210,167,393.. Total,		£3 10 0
		to 5 3 0

TOTAL.

	Yield. Per Cent.	Amount of Stock.
Trustee & Chancery Stocks	£3 10 0	£141,338,946
	to 4 3 3	
Other Investments	3 10 0	210,167,393
	to 5 3 0	
Total	£3 10 0	£351,506,339
	to 5 3 0	

THE TEXT OF THE BILL.

PART I.

LAND PURCHASE.

PURCHASE AND RESALE OF ESTATES.

I.—(1). In the case of the sale of an estate whether to the Land Commission or otherwise when an application is made an advance under the Land Purchase Acts of the whole purchase money of a holding, and the Land Commission are satisfied that the tenant is in occupation of the holding then, subject to the limitations in the Land Purchase Acts on advances to tenants purchasing their holdings, the Land Commission shall sanction the advance in the following cases, namely:—

(a). In the case of the purchase of a holding subject to a judicial rent fixed or agreed to since the passing of the Act of 1896, or of a holding which is not subject to a judicial rent, but the tenancy in which in the opinion of the Land Commissioners is a tenancy to which the Land Law Acts apply, if the purchase annuity and perpetual rent-charge created under this Act payable in respect of the advance when taken together will be not less than 10 per cent., nor more than 30 per cent below the existing rent, and

(b). In the case of the purchase of a holding subject to a judicial rent fixed or agreed to before that date, and if the said purchase annuity and rent-charge when taken together will not be less than 20 nor more than 40 per cent. below that rent, provided that in the case of a holding not subject to a judicial rent, but the tenancy in which is in the opinion of the Land Commission a tenancy to which the Land Law Acts apply, the Land Commission may, if they think it equitable and if the purchase agreement so provides, treat the holding for the purposes of this section as a holding subject to a judicial rent fixed before the passing of the Act of 1896;

Provided also that in the case of a holding

subject to a judicial rent fixed or agreed to before the passing of the Act of 1896, the Land Commission may, if they think it equitable and if the purchase agreement so provides, treat the holding for the purposes of this section as a holding subject to a judicial rent fixed since the passing of the Act of 1896.

(2). If the foregoing conditions are not complied with, the Land Commission shall not sanction the advance.

(3) The Land Commission, if they think it expedient, with a view to the improvement of the estate, may declare that for the purposes of this section a portion of a holding shall be deemed a holding, and in such case may apportion the rent of the holding between the portion proposed to be invested and the remainder of the holding.

(4) This section shall not apply in the case of holdings on congested estates, as defined by this Act.

II.—(1) In the case of the sale of an estate advances under the Land Purchase Acts may be made for the purchase of parcels thereof by the following persons:—

(a) A person being the tenant of a holding on the estate.

(b) A person being the son of a tenant of a holding on the estate.

(c) A person being the tenant or proprietor of a holding not exceeding ten acres in area and £5 in rateable value, situate in the neighbourhood of the estate, and

(d) A person who within twenty-five years before the passing of this Act was the tenant of a holding to which the Land Law Acts apply, and who is not at the date of the purchase the tenant or proprietor of a holding, provided that in the case of the death of a person to whom an advance under this paragraph might otherwise have been made the advance may be made to a person the personal representative of the deceased person.

(2). Advances under this section shall not, to—

gether with the amount (if any) of any previous advance under the Land Purchase Acts then unrepaid by the purchaser, exceed £500.

Provided that the limits in this sub-section may, where the Land Commission consider it expedient for the purposes of the sale of the estate, be extended to £1,000 in the case of a holding situate in an administrative county, or in a riding of any such county which does not comprise a congested district county.

(3). The Land Purchase Acts shall, subject to the provisions of this section, apply to the sale of a parcel of land in pursuance of this section, in like manner as if the same was a holding and the purchaser was the tenant thereof at the time of his making the purchase, and the expression "holding" in those Acts shall include a parcel of land in respect of the purchase of which an advance has been made in pursuance of this section.

III.—(1). Where the owner of an estate has entered into agreements under the Land Purchase Acts for the sale to persons other than the Land Commission of the estate, the Land Commission may purchase from him any demesne or other land in his occupation and adjacent to the estate, at a price which in their opinion represents the selling value of that land, and in such case may resell the whole or any portion of that land to him.

(2). Where any land is sold, re-sold, or where a parcel of an estate purchased by the Land Commission is re-sold to the vendor an advance under the Land Purchase Acts may be made to the vendor not exceeding in any case one-third of the aggregate amount of the purchase money of the holdings and other parcels of land comprised in the estate or twenty thousand pounds whichever is the less.

IV.—(1). In the case of the sale of an estate advances under the Land Purchase Acts may be made for the purchase by any trustees approved of by the Land Commission, of any parcel of the estate to be held subject to the provisions of this Act for the purpose of turbarry, asturage, the planting of trees or the preservation of woods or plantations, or for the purposes of the Labourers (Ireland) Acts, 1883 to 1896, is amended by this Act.

(2). An advance in pursuance of this section may be such amount as the Lord Lieutenant may sanction.

V.—(1). Where the owner of an estate makes an application in the prescribed form to the Land Commission requesting them to inquire into the circumstances of the estate with a view to sale thereof under this Part of this Act the Land Commission may after due inquiry propose to purchase the estate at a price to be estimated as hereafter mentioned.

(2). The price of the estate shall be estimated on the assumption that each tenant of a holding thereon will purchase his holding, or some other designated parcel of land in lieu thereof, for an amount of which an advance under the

Land Purchase Acts can be made without infringing any limitation in those Acts on advances to tenants purchasing their holdings, or any restriction in section 1 of this Act, and that the remainder of the estate will be repurchased by means of advances in pursuance of the other preceding sections of this Act.

(3). If within the prescribed time the owner of the estate agrees to sell the estate at the estimated price, and tenants of holdings on the estate, to the extent of not less than three-fourths in number and rateable value, undertake to purchase from the Land Commission their holdings, or other designated parcels of land in lieu thereof, for the respective amounts, on the basis of which the price of the tenanted portion of the estate was estimated by the Commission, the Commission may agree to purchase the estate for the estimated price.

(4). The Lord Lieutenant may, under special circumstances, and with the approval of the Treasury, dispense with the condition in the last preceding sub-section as to undertakings to purchase holdings where the Land Commission certify to him that they are of opinion that the resale of the estate can be effected without prospect of loss.

(5) In the case of a Congested estate, as defined by this section, if the Land Commission certify to the Lord Lieutenant that the purchase and resale of the estate are desirable, in view of the wants and circumstances of the tenants thereon, then the Land Commission may purchase the estate for a price to be agreed upon, and in such case the provisions of this section, with respect to the basis on which the price of the estate is to be estimated, shall not apply, and the condition in this section as to resale without prospect of loss may be relaxed to such extent as the Lord Lieutenant may determine.

(6) The expression "Congested Estate" means an estate not less than half the area of which consists of holdings not exceeding ten acres in area and £5 in rateable value, or of mountain or bog land, or not less than a quarter of an acre of which is held in Rundale or intermixed plots.

VI.—When it appears to the Land Commission expedient to take steps with a view to the purchase for the purposes of this Part of this Act of an estate for the sale of which an absolute order has been made under the Landed Estates Court (Ireland) Act, 1858, the following provisions shall have effect:

(1). The Land Judge may, at the request of the Land Commission, cause the Commission to be furnished with such particulars and documents as they may require respecting the estate, including a schedule in the prescribed form of the tenancies thereon, and a statement of the Superior Interests (if any) to which the estate is subject.

(2). The Land Commission, after causing the estate to be inspected, may, subject to the provisions of the last preceding section as to undertaking to purchase holdings and resale, without the prospect of loss, make an offer to the Land Judge for the purchase of the estate, or of any part thereof, discharged from the claims of all persons who are interested in the

estate, whether in respect of superior or intervening interests or incumbrances, or otherwise, and the offer shall contain the following particulars:—

- (a) The land comprised in the offer;
- (b) The arrears of rent which are to be transferred to the Commission; and
- (c) The amount of the purchase money.

(3) The Land Judge, after giving such notice of the offer as he thinks fit, and after giving all parties interested in the estate an opportunity of being heard, shall, if he does not consider the offer sufficient, as soon as practicable unless the offer is in the meantime withdrawn, put up for public auction the land specified therein, discharged from all claims as aforesaid, but subject to the conditions mentioned therein as to arrears of rent or otherwise, and shall, unless he considers it unreasonable or unjust, having regard to the interests of any such party as aforesaid, sell the same to the highest bidder.

(4) Where an estate is sold in pursuance of this section the Land Judge shall have all the powers for the apportionment and redemption of superior and intervening interests conferred on him by the Land Purchase Acts.

(5) An order of the Land Judge declaring the Land Commission to be the purchasers of any land shall have the effect of an order vesting land in the Commission made by them under this part of this Act, and shall also vest in them the right to collect and recover any arrears of rent specified in the order, and a certified copy thereof shall be transmitted to the registering authority under the Local Registration of Title (Ireland) Act, 1891, and the Land Commission shall thereupon be registered under that Act as the absolute owners of the land.

(6) Where the Land Commission make an offer under this section for the purchase of an estate the provisions of Section Forty of the Act of 1896 shall be suspended, and shall not have effect in the case of that estate unless and until the offer is withdrawn or the estate is put up for auction and not sold.

VII.—The Land Commission may purchase any untenanted land which they consider necessary for the purpose of facilitating the resale or redistribution of estates purchased by them, and the foregoing provisions of this Act, with respect to advances for the purchase of parcels of land comprised in estates, shall apply in the case of the sale by the Commission of any parcel of such untenanted land.

VIII.—(1). There shall not be at any time vested in the Land Commission lands exceeding in the aggregate, according to the estimate of the Commission as approved by the Treasury, the capital value of £5,000,000, in respect of which undertakings to purchase have not been received by the Commission.

(2). The Land Commission shall not in any one year enter into agreements involving the expenditure on the purchase of congested estates of sums which would in the aggregate exceed by more than 10 per cent. the aggregate sums for which the Commission estimate that those estates can be resold by them.

Provided that for the purposes of this enactment any money which the Land Commission have expended or propose to expend on the im-

provements of those estates shall be deemed to be repayable in full out of the purchase money on resales, and shall not be included in the estate in calculating the 10 per cent.

(3). For the purposes of this section the acceptance by the land judge of an offer shall be deemed an agreement.

IX.—No estate shall be purchased by the Land Commission which is not in the main agricultural or pastoral in its character, or partly agricultural and partly pastoral, or which is within the limits of a town as defined by the Local Government (Ireland) Act, 1898.

X.—No guarantee deposit shall be made or retained in respect of an advance made in pursuance of the foregoing provisions of this Act.

XI.—(1). The Land Commission may, where an estate or untenanted land is vested in them, take such steps, and execute, or cause to be executed, such works as may appear expedient for the benefit or improvement of the estate or untenanted land.

(2). For the purpose of carrying this section into effect the Land Commission shall have all the powers for facilitating resales of land conferred on the Congested Districts Board by Section 1 and 2 of the Congested Districts Board (Ireland) Act, 1901, as amended by this Act, and those sections as so amended shall apply accordingly with the substitution of the Land Commission for the Congested Districts Board.

Provided that where, with the consent of a tenant, the area of his holding is altered, or he is put into possession of a new holding, the Land Commission may order that such charges, liabilities, and equities as affect the tenant's interest in his former holding, shall either continue to affect that holding, or be transferred to his altered or new holding.

XII.—(1) Where any right of hunting, shooting, fishing, and taking game or fish on any land becomes vested in the Land Commission, that right may be disposed of by them as they think expedient.

(2) On the sale under the Land Purchase Acts of any land by the Land Commission, or of any land comprised in an estate by the owner of the estate, there shall be reserved in the prescribed manner to the Commission the exclusive rights of mining and taking minerals and digging and searching for minerals on that land, and the said right shall be disposed of by the Commission in the manner hereafter to be provided by Parliament:

Provided that this sub-section shall not apply—

- (a) To any demesne or other land repurchased by the vendor of the estate;
- (b) To any such right which constitutes a superior interest or which is vested in the Crown.

(3). Where any right mentioned in this section is so disposed of or reserved, there shall be attached thereto a right to enter upon the land in respect of which the first mentioned right may be exercised and to authorise any persons so to do, any person entering upon land in pursuance of this sub-section shall be suitable to make reasonable amends and satisfaction for any damage done or occasioned thereby.

XIII.—(1). The Land Commission shall, if they think fit, declare that any person who as a sub-tenant, is not in exclusive occupation of a parcel of land comprised in an estate purchased by them, or by the Congested Districts Board, shall be deemed the tenant of that parcel, and that the parcel should be deemed a holding.

(2). The Land Commission shall in such case redeem the interests in this Part of this Act referred to as "intervening interests" (intervening between the owner of the estate and the person in such exclusive occupation as aforesaid), at a price which, in default of agreement within the prescribed time, shall be fixed by the Land Commission, and the redemption money shall be paid out of the purchase money of the estate, and be dealt with in like manner as if it were the redemption money of a superior interest, or in such other manner as appears to the Commission equitable.

Provided that if the Land Commission are of opinion that any intervening interest is of no appreciable value, they shall, by order, declare that interest to be extinguished.

(3). The foregoing provisions of this section shall not apply where any intervening interest is an interest sufficient to constitute the owner thereof a person having power to sell under the Land Purchase Acts.

(4). Where a holding comprised in any such estate is held by joint tenants, or tenants in common, or is sub-divided between two or more persons, and the Land Commission are satisfied that such tenants or persons are in the exclusive occupation of separate portions thereof, the Commission may, if they think fit, for the purpose of the foregoing provisions of this Act, declare that any such tenant or person shall be deemed the tenant of the parcel of land in his exclusive occupation, and that such parcel shall be deemed a holding, and may apportion the rent of the holding, between such tenants or persons as the justice of the case may require.

(5). Any person aggrieved by any decision of the Land Commission under this section may, in the prescribed manner, appeal to a Judicial Commissioner.

(6). For the purpose of the sale of an estate by the Land Judge to the Land Commission, the Land Judge shall have the powers conferred on the Commission by this section, but no appeal shall lie from any decision of the Land Judge under this section.

XIV.—(1). The Land Commission may, where they agree to purchase any land, make a Vesting Order, which shall be effectual to vest in the Commission the fee simple of the land purchased, subject

(a) To any public rights affecting the land, and

(b) To any interests of the tenants on the land, or of persons having claims upon these interests, and to any easements, rights, and appurtenances, mentioned in Section 34 of the Act of 1890, but save as aforesaid, and subject to the provisions of this Act with respect to minerals, discharged from the claims of all persons who are interested in the land,

whether in respect of superior or intervening interests or incumbrances or otherwise; and all such claims shall, as from the date of the Vesting Order, cease as against the land, and attach to the purchase money, in like manner as immediately before the date of the Order they attached to the land.

(2). At any time not less than two months before making a Vesting Order under this section the Land Commission shall publish the prescribed advertisements, and shall give such notices as they may think necessary, stating their intention to make the order and the effect thereof, and any person interested in the land may in the manner, and within the time prescribed, show cause against the Vesting Order being made, and in such case, unless the cause shown is disallowed, the order shall not be made.

(3). A certified copy of every Vesting Order under this section shall be transmitted to the registering authority under the Local Registration of Title (Ireland) Act, 1891, and the Land Commission shall thereupon be registered under that Act as the absolute owners of the land discharged from all claims as therein before provided.

XV.—(1). Where any person proposing to sell land under the foregoing provisions of this Act, claims in respect of an interest, which is sufficient to constitute him a person having power to sell under the Land Purchase Acts, and satisfies the Land Commissioners that for not less than six years immediately preceding he has been, by himself or his agent, or a receiver, in receipt of the rents or profits of the land, he may, if the Land Commission think fit, be dealt with as the owner of the land for all purposes other than the distribution of purchase money without any further investigation of his title.

(2). Where any person satisfies the Land Commission that he is the limited owner of any land, he may, if the Land Commission think fit, be dealt with as the owner of the land for the purposes aforesaid, whether there is or is not a Trustee of the Settlement for the purposes of the Settled Land Acts, 1882 to 1890, and whether the consent of such trustee (if any) has or has not been obtained.

XVI.—(1). The rents and profits of any land agreed to be purchased by the Land Commission, together with any interest under Section 35 of the Act of 1896, and subject to the provisions of this section, any arrears of rent due at the date of the purchase agreement and not remitted by the Land Commission shall from the date of the agreement be payable to and recoverable by the Commission in like manner as if they were instalments of purchase annuities charged upon holdings.

(2). Interest on the purchase money at the rate of $3\frac{1}{2}$ per cent. per annum should be paid by the Land Commission to the person in receipt of the rents of the land at the date of the agreement, or such other person as may appear to the Land Commission to be entitled thereto from the date of the agreement until the land is vested in the Commission.

Provided that if the land does not become

vested in the Land Commission the foregoing provisions of the section should cease to have effect as from the date on which the Commission certify that the sale cannot be completed, and an account will be rendered by the Commission as between the moneys received by them, and any interest paid by them under those provisions, and the balance (if any) certified by the Commission shall be paid by or to them accordingly, and the certificate shall be conclusive of the matters stated therein.

(3). Section 35 of the Act of 1896 shall, subject to the provisions of this section, apply, with necessary modifications, to the case of an agreement with the Land Commission for the purchase of a holding.

XVII.—(1) Where an estate is purchased by the Land Commission and

(a) Tenants on the estate to the extent of three-fourths in number and rateable value have agreed to purchase their holdings; or

(b) The Lord Lieutenant has dispensed with the condition as to undertakings to purchase holdings, and a majority in number of the tenants have agreed to purchase their holdings, no proceedings to fix the fair rent of any holdings on the estate shall be taken or continued.

(2) Where under Section Forty of the Act of 1896 the Land Judge has issued a request to the Land Commission to cause an estate to be inspected, or where the Land Commission under this Part of this Act issued a request to the Land Judge to be furnished with particulars respecting an estate, or where the Land Commission under this Part of this Act have instituted inquiries into the circumstances of an estate, with the view to the purchase thereof, no proceedings to fix the fair rent of any holding on the estate shall be taken or continued pending the completion of the sale of the estate, or, as the case may be, unless and until the Land Commission certify that the sale cannot be carried into effect.

XVIII.—(1) Where any lands purchased by means of an advance under the Land Purchase Acts, by any trustees, for the purposes of turbary, pasturage, the planting of trees, or the preservation of woods or plantations, or for the purposes of the Labourers (Ireland) Acts, 1885 to 1896, as amended by this Act, the trustees shall hold the lands upon such terms and conditions, and with such rights and powers, as may be specified in a scheme framed by the Lord Lieutenant, or approved of by him, and any such scheme shall contain provisions for the appointment of new trustees, and for an appeal to the Lord Lieutenant by an person aggrieved by an action or omission of any trustees in carrying the scheme into effect, and for enabling the Lord Lieutenant, on the hearing of any such appeal, to make such order as may appear to him just.

(2) Where any land so purchased is not required for any of the purposes aforesaid it may be disposed of for any public purposes approved of by the Lord Lieutenant.

XIX.—(1) In the case of the sale of an estate where portion of a holding consists of bog, and

the purchaser had not an exclusive right of turbary before such sale, the Land Commission may make regulations authorising cutting of turf on the bog by any occupiers of land in the neighbourhood of this holding, for whose requirements such turf appears to be necessary, upon such terms as to payment or otherwise as may appear to them to be just. Those regulations may confer a right to enter upon any land for the purpose aforesaid.

(2) Regulations under this section shall secure that the cutting of turf will not prevent the future reclamation of the bog, and that sufficient turf will be left for the use of the proprietor of the holding for a reasonable period.

(3) Regulations under this section shall provide that any person entering upon any land under their authority shall make reasonable amends and satisfaction for any damage done or occasioned thereby.

(4) Any regulations under this section may provide for the punishment of any breach of them by a fine not exceeding five pounds, recoverable in a summary manner.

XX.—On the application in the prescribed manner of any proprietors of holdings purchased under the Land Purchase Acts, the Land Commission may, if they think fit, determine all questions which may arise respecting the boundaries of the holdings, easements, or appurtenances claimed by any of such proprietors against any other proprietors or tenants of holdings.

XXI.—(1). The jurisdiction, powers and duties of the Land Commission under the foregoing provisions of this Act shall be exercised and performed exclusively by three members of the Commission in this Act referred to as "the Estates Commissioners" to be nominated or appointed as hereinafter mentioned, provided that any question of law may be referred for the decision of a Judicial Commissioner.

(2) One of the Estates Commissioners shall be an existing member of the Land Commission to be nominated by the Lord Lieutenant, and the others shall be persons to be appointed by his Majesty by warrant under the Royal Sign Manual as additional members of the Land Commission.

(3). The persons so appointed shall be paid out of money provided by Parliament, an annual salary of two thousand pounds, and shall hold office during pleasure.

(4) When a vacancy occurs in the office of a person as appointed by his death, resignation, inability to act or otherwise, or of any person appointed in his place, his Majesty may if he thinks fit, by warrant under the Royal Sign Manual, appoint some person to fill the vacancy.

(5) The two vacancies occurring next after the commencement of this Act in the number of the members of the Land Commission other than the Judicial Commissioner or an Estates Commissioner shall not be filled.

(6) The Estates Commissioners in carrying the foregoing provisions of this Act into effect shall be under the control of the Lord Lieutenant, and shall act in accordance with such general regulations as may be made by him.

(7). For the purposes of assisting the Estates Commissioners in carrying the aforesaid provisions into effect, the Judicial Commissioner may nominate such officers of the Commission, and the Lord Lieutenant may, with the consent of the Treasury as to number and remuneration, appoint or authorise the employment of such other persons as may be necessary.

(8) Such officers and other persons shall perform such duties as may be assigned to them by the Estates Commissioners.

(9) Sales of estates to the Estates Commissioners, and sales by those Commissioners to tenants and others, may be negotiated and completed by any agents, solicitors, or other persons approved by the Estates Commissioners, at a fixed price or percentage, according to a scale to be settled by the Estates Commissioners with the assent of the Treasury, and such price or percentage shall be paid as part of the expenses of the Land Commission.

(10) The Judicial Commissioner and the Estates Commissioners may, subject to the approval of the Lord Lieutenant, make rules for carrying into effect the foregoing provisions of this Act, and those rules shall, among other things, provide for the making of such investigations, and the performance of such other duties, by which the aforesaid officers and persons as may be requisite and practicable, with a view to limiting the costs and expenses of persons applying to the Land Commission to purchase land in pursuance of those provisions, and the expression "prescribed" in those provisions means, unless the context otherwise requires, prescribed by those rules.

(11) Periodical reports of the proceedings of the Estates Commissioners shall be made by them in such form and at such times as the Treasury may prescribe, and shall be laid before Parliament as soon as may be after they are made.

PURCHASE MONEY OF ESTATES.

XXII.—(1) In the case of the sale of an estate to persons other than the Land Commission, so soon as a holding or parcel of land comprised in the estate is vested in the purchaser, the Land Commission shall, in pursuance of sub-section 1 of section 14 of the Act of 1887, pay the purchase money into the Bank of Ireland, and any order attaching claims to the purchase money, which shall be as effectual for that purchase as a vesting order made by the Land Commission vesting land in them.

(2). Where land is invested in the Land Commission by a vesting order made by them, or where money is paid into the Bank of Ireland as aforesaid, the Commission shall, subject to the provisions of this Act, pay interest on so much of the purchase money as is for the time being undistributed at the rate of 3½ per cent. per annum from the date of the order or the payment into the bank, as the case may be, until the whole of the purchase money is distributed, and the said interest shall be paid to the person in receipt of the rents of the lands at the date of the agreement or order, as the case may be, or such other person as may appear to the Land Commission to be entitled thereto.

(3). If in the case of an estate sold to persons other than the Estates Commissioners the dividends upon the investments representing the purchase money are insufficient for the payment of the said interest, the deficit shall be paid out of the purchase money.

(4). The owner of any superior or intervening interest, or any incumbrancer, may at any time apply to the Land Commission for an order that payment in respect of the annual income of his claim be made to him out of the interest on the purchase money, or the dividends upon the investments representing the purchase money, as the case may be, and in such case the Commission, if they are satisfied that the justice of the case so requires, may make the order accordingly.

(5). The Land Commission shall as soon as practicable, distribute the purchase money to the persons entitled thereto, whose claims upon that money have been ascertained, and for the purpose of such distribution may ascertain in the prescribed manner the amount or value of any such claim, and discharge, redeem, or satisfy the same out of the said money.

(6). After the Vesting Order or the payment into the Bank of Ireland, as the case may be, has been made, no proceedings shall be taken without leave of the Land Commission in respect of any claim against the purchase money or the income thereof.

(7). In the case of the sale of an estate where, at the date hereinafter mentioned, arrears of rent were due in respect of any holding on the estate, a sum equivalent in amount to those arrears, but not exceeding in any case one year's rent, shall be paid out of the purchase money to the person who would have been entitled to receive those arrears. The aforesaid date shall be, in the case of an estate purchased by the Land Commission, the date of the agreement for that purchase, and in the case of an estate purchased by other persons, the date of the agreement for the purchase of the holding.

(8). The Land Commission shall cause their officers to make such investigations and perform such other duties as may be requisite and practicable for the purpose of ascertaining title to and distributing the purchase money, and such ascertainment and distribution shall, to such extent as may be sanctioned by the Treasury, be made without charge to the persons entitled to the purchase money, and for the purposes aforesaid all searches directed by the Land Commission in the Registry of Deeds and Registry of Judgments shall be made without charge.

(9) The Land Commission shall have, and may without application being made to them, exercise for the purpose of facilitating the completion of sales under this Act including the distribution of purchase money, all the powers in that behalf conferred on them by the Land Purchase Acts in the case of sales from landlords to tenants.

(10) For the purpose of this section the Land Commission shall in addition to any other powers which they possess, have all the powers vested in the High Court by virtue of Sections Seventy-eight and Seventy-nine of the Land Clauses Act, 1845; and those sections shall ap-

ply to the Land Commission with such modifications as may be prescribed.

(11) Proceedings by the Land Commission under this section shall not be removed into any court, or be restrained by any court, and save as provided by this section, and Section 41 of the Act of 1896, no appeal shall lie from any decision of the Land Commission.

(12) An appeal shall lie to the Court of Appeal from any decision under this section given by the judicial commissioner, or to which he is a party, and the decision of the Court of Appeal shall be final.

XXIII.—(1) Where an order is made by the Land Commission attaching claims to the purchase money, or where an agreement for the purchase of land is entered into by the Land Commission, the order, or agreement, as the case may be, shall specify a date, in this Act referred to as the "closing day," being not more than twelve months from the date of the order or agreement.

(2) If, on the closing day, the title of any person making a claim upon the purchase money whether as vendor or incumbrancer or owner of a superior or intervening interest is not established, and if a portion of the purchase money equivalent to the amount of his claim has not been invested, in pursuance of the powers conferred by Sub-section 1 of Section 14 of the Act of 1887, then until his title is established interest in respect of the claim shall not be payable at a higher rate than the rate payable by the Land Commission to the National Debt Commissioners in respect of outstanding advances. For the purpose of this enactment interest shall be calculated on the redemption price of a superior or intervening interest.

(3) If any person interested in the purchase money, by himself or any agent or solicitor, is guilty of any delay in taking any step in the proceedings for the ascertainment of claims which it is his duty to take, or which he has been ordered to take, and such delay is, in the opinion of the Land Commission, inexcusable, the Commission may by order deprive him of the whole or any part of the interest to which he would have been entitled under the foregoing provisions of this Act.

XXIV.—Advances for the purpose of the Land Purchase Acts shall in the case of agreements entered into after the passing of this Act, be made by means of money, and not by means of Guaranteed Land Stock, and any sums required for those purposes shall be issued out of a special fund to be under the control of the National Debt Commissioners, and to be called the "Irish Land Purchase Fund."

XXV.—(1) For the purpose of raising the money required for the Irish Land Purchase Fund the Treasury may by warrant addressed to the Bank of England, or Bank of Ireland, direct the creation of a new Capital Stock (to be called "Guaranteed Two and Three-quarters per Cent. Stock" and in this Act referred to as "The Stock"), consisting of perpetual annuities yielding dividends at the rate of two and three-

quarters per cent per annum, on the nominal amount of the capital.

(2) The annuities shall be payable by equal quarterly dividends at such times in each year as may be fixed by the warrant first creating the stock.

(3) The stock shall not be redeemable until after the expiration of thirty years from the commencement of this Act, but on and after that date shall be redeemable after three months' notice published in the "London Gazette," and in the "Dublin Gazette," at the rate of one hundred pounds sterling for every one hundred pounds of stock, together with the payment of all arrears of interest.

(4) Any sums raised by means of the stock after providing for the expenses of issue shall be carried to the credit of the capital account of the Irish Land Purchase Fund.

(5) The stock may be issued at such times, in such amounts, and subject to such conditions as to payment of deposits and instalments, and the issue of scrip certificates carrying dividends and otherwise, as the Treasury direct.

XXVI.—(1) The dividends on the Stock shall be paid out of the income of the Irish Land Purchase Fund, and if that income is insufficient shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

(2) Any sums so paid out of the Consolidated Fund shall be treated as a temporary advance to the Irish Land Purchase Fund, and shall be made good out of the Guarantee Fund.

XXVII.—Instead of issuing stock the Treasury may authorise the National Debt Commissioners to borrow temporarily for the purposes of the Irish Land Purchase Fund on such terms as the Treasury may approve, and any sums so authorised to be borrowed may be lent by the National Debt Commissioners out of any cash balance in their hands available for investment or by the Bank of England, or Bank of Ireland, and shall be paid out of the next subsequent issue of the stock, or out of any money standing to the credit of the capital account of the Irish Land Purchase Fund. The interest on any money borrowed shall be charged on the interest of the Irish Land Purchase Fund in like manner as dividends on stock.

XXVIII.—The stock shall be transferable in the books of the Bank of England and the Bank of Ireland, in like manner as the other stock transferable under the National Debt Act, 1870, and shall be subject to the provisions of that Act, and any enactment amending that Act, so far as is consistent with the tenor of this Act.

XXIX.—For the purpose of calculating the annual sums payable to the Bank of England and the Bank of Ireland, for the management of National Debt, the Stock shall be considered as part of the National Debt inscribed in the books of the Bank of England and the Bank of Ireland, but the annual sums so payable shall be paid as part of the expenses of the Land Commission.

XXX.—Accounts of the receipts and expenditure of the Irish Land Purchase Fund, both as regards capital and income, shall be kept by the National Debt Commissioners, and those accounts should be audited by the Comptroller and Auditor-General, and the accounts when audited should be laid before Parliament.

XXXI.—(1). Any money for the time being standing to the credit of the capital or income account of the Irish Land Purchase Fund may be applied in payment of any sums charged on that fund, or for advances under this Act.

(2). Any balance standing to the credit of the capital or income account of the Irish Land Purchase Fund may be temporarily invested by the National Debt Commissioners in a manner approved by the Treasury.

XXXII.—(1). For the purposes of this Act the Land Commission shall keep such accounts containing such particulars and entries as the Treasury may direct, and shall furnish those accounts to the Treasury as and when required by the Treasury.

(2). The accounts of the Land Commission shall be audited in such manner as the Treasury may prescribe.

XXXIII.—(1). Interest at the rate of $2\frac{3}{4}$ per cent. shall be paid by the Land Commission to the National Debt Commissioners on all sums advanced under this Act by the National Debt Commissioners to the Land Commission, and not certified by the Commissioners to have been repaid.

(2). In so far as any advances are made by the Land Commission to purchasers to be repaid by means of purchase annuities, and not by means of a perpetual rentcharge, the Land Commission shall, until the advances are ascertained to have been repaid, pay to the National Debt Commissioners in respect of those advances 10s per cent. per annum, which shall be treated as a sinking fund for accumulation, and for this purpose shall be credited to the capital account of the Irish Land Purchase Fund and applied to the purchase of the Stock or invested in further advances under this Act, or temporarily invested in the purchase of securities approved by the Treasury.

(3). Where the Land Commission purchase any land, no sums on account of sinking fund shall be payable until the Land Commission have disposed of that land to purchasers, or until the expiration of five years from the purchase of the land, whichever shall be the sooner, but during any period which may intervene between the expiration of the five years and the disposal of the land, payments on account of sinking fund shall be made at the rate of ten shillings per cent. per annum.

(4). If at any time the said annual payments shall be in arrear forty days, the amount in arrears shall be charged on and forthwith made good out of the guarantee fund.

(5). Payments by the Land Commission under the preceding sub-section shall be made at such times in each year as may be prescribed by the Treasury.

(6). Where by reason of any stock having been issued at a discount the sums payable in

any financial year by the Land Commission under this section in respect of advances to them of money raised by means of stock are insufficient to pay the interest on the total amount of the stock outstanding, together with ten shillings per cent. on the portion of the stock representing the advances repayable by means of purchase annuities, the amount of the deficiency shall be made good out of the guarantee fund.

(7) Where by reason of the issue of any stock at a premium the sums payable in any financial year by the Land Commission under this section in respect of advances of money raised by means of stock are more than sufficient to pay the interest on the total amount of the stock outstanding, together with ten shillings per cent. on the portion of the stock representing the advances repayable by means of purchase annuities, the surplus shall be applied in the first instance in repaying in the manner prescribed by the Treasury to the Guarantee Fund, any sums paid out of that fund under the preceding sub-section, and any balance shall be carried to a reserve account and applied in or towards discharging any future liability of the Guarantee Fund under the preceding sub-section or to such other purposes connected with the Irish Land Purchase Funds as the Treasury may approve.

XXXIV.—The Lord Lieutenant, with the approval of the Treasury, may make regulations for the purpose of determining the persons entitled to draw on the Irish Land Purchase Fund on behalf of the Land Commission, and the manner in which drafts may be made.

XXXV.—If by any Act passed in the present session provision is made for an Irish Development Grant, the following provisions shall have effect:—Out of this grant a sum of twenty thousand pounds shall, in each financial year, be paid to the Congested Districts Board, and a sum of fifty thousand pounds shall in each financial year, up to and including the year ending on the thirty-first day of March, Nineteen Hundred and Eight, be carried to the Income Account of the Irish Land Purchase Fund, and the residue of the grant during the period aforesaid, and subsequently the whole grant shall form part of the cash portion of the Guarantee Fund. So far as any portion of the amount so credited to the Guarantee Fund is required for the purpose of making good any deficiency in respect of the issue at a discount of any stock issued under this Act, that portion shall be applied for that purpose, next before the grant described in section 5 of the Act of 1891, as the Irish Probate Duty Grant, and now represented by the Death Duty Grant, payable under Section 19 of the Finance Act, 1894; and any portion of the remainder required for the purposes of the Guarantee Fund shall be applied thereto, next after the Agricultural Grant under the Local Government (Ireland) Act, 1898.

XXXVI.—(1) After the 31st day of March next, after the passing of this Act, there shall be paid to the Guarantee Fund, in respect of the cash portion thereof, the Agricultural

Grant, the Local Government (Ireland) Act, 1898, and the said grant shall be applicable to the purposes of the cash portion of the said Guarantee Fund, next after the Death Duty Grant payable under Section 19 of the Finance Act, 1894.

(2) The annual sum of £60,000, mentioned in paragraph (b) of section 15 of the Agriculture and Technical Instruction (Ireland) Act, 1899, shall form part of the contingent portion of the Guarantee Fund, and shall be available for the purposes thereof, next after the grant in aid of the cost of maintenance of pauper lunatics.

(3). Instead of the limit of twenty-five times the share of a county in the Guarantee Fund imposed by sub-section 1 of Section 9 of the Act of 1891, there shall be substituted the limit of thirty times such share.

(4). Instead of the limit of fifty times the share of a county in the Guarantee Fund imposed by sub-section 1 of Section 1 of the Purchase of Land (Ireland) Act, 1901, there shall be substituted the limit of sixty times such share.

XXXVII.—The power of making rules conferred on the Treasury by the Land Purchase Acts, shall extend to the making of rules for carrying the financial provisions of this Act into effect, and for adapting to the requirements of this Act such provisions of the Land Purchase Acts passed prior to this Act as relate to finance.

XXXVIII.—All persons, including the National Debt Commissioners, shall have the like power of investing in the Stock as they have in Consolidated Stock.

XXXIX.—(1). The Treasury may, on the request of the Land Commission, advance out of the reserve fund established under paragraphs (b) of sub-section 2 of Section 5 of the Act of 1891, such sums as the Land Commission may certify to be required, for the benefit or improvement by them, of estates and untenanted land.

(2). The Land Commission may at any time repay to the said reserve fund any portion of the amount so advanced.

(3). Regulations made by the Treasury may provide, that, where the Land Commission have expended money on the improvement of an estate, and in consequence have sold parcels of that estate, at an enhanced price to tenants or others, the National Debt Commissioners may advance to the Land Commission for repayment to the reserve fund such sums as represent the increase consequent on the improvements.

(4). Where the Land Commission have expended money on the improvement of a holding any increase of price obtained by them in consequence of any improvements on the holdings, shall not be taken into account for the purposes of section 1 of this Act.

REPAYMENTS BY PURCHASERS.

XI.—As regards advances under the Land Purchase Acts in pursuance of agreements entered into after the passing of this Act,

(1). There shall, save as in this section provided, be paid in respect of every advance an annual sum, of which seven-eighths shall be a

purchase annuity, and one-eighth shall be a perpetual rent-charge.

(2). The advance shall be treated as consisting of two portions, of which one shall be of such amount that the purchase annuity will be at the rate of three pounds five shillings for every hundred pounds thereof, and so in proportion for any less sum, and of which the other shall be of such amount that the perpetual rent-charge shall be at the rate of two pounds fifteen shillings for every hundred pounds thereof, and so in proportion for any less sum.

(3). The Purchase Annuity shall be paid until the whole of that portion of the advance in respect of which it is payable is ascertained, in manner prescribed by the Treasury, to have been repaid.

(4). Provided that where the vendor of an estate obtains an advance in respect of any parcel of land which he repurchases, or where an advance is made to trustees for the purpose of purchasing a parcel of land as in this Act provided, the whole advance shall be repaid by means of a purchase annuity calculated at the rate of £3 5s for every hundred pounds of the advance, and so in proportion for any less sum.

(5). The Land Commission shall have the like powers of collecting and recovering the annual sums payable in respect of purchase annuities and perpetual rent-charges, under this Act, as they have under the Land Purchase Acts of collecting and recovering purchase annuities under those Acts, and Section 20 of the Act of 1887 with such modifications as may be prescribed shall apply.

(6). The powers for the apportionment or consolidation of annuities, or the discharge of a portion of a holding from liability, in respect of an annuity conferred by the Land Purchase Acts shall extend to perpetual rent-charges.

(7). Section 25 of the Act of 1896 relating to the mode of calculating purchase annuities shall not apply.

XLI.—(1) Every purchase annuity under this Act or any part thereof, at any time outstanding, may be redeemed in whole or in part by the person liable to pay that annuity, by payment to the Land Commission of the difference between the accumulated sinking fund and the sum sufficient (after payment of interest to date) to purchase the requisite amount of Stock, such amount to be determined in accordance with rules made by the Treasury.

(2) Where the purchase annuity or any part thereof is redeemed the National Debt Commissioners shall in manner prescribed by the Treasury cancel the aforesaid amount of the Stock.

LAND PURCHASE AID FUND.

XLII.—(1) There shall be established as part of the Irish Land Purchase Fund a fund to be called "The Land Purchase Aid Fund," and there shall in each financial year be paid out of that fund to the Land Commission such sums as the Treasury on the request of the Land Commission may sanction, provided that the total of the sums so paid shall not exceed twelve million pounds.

(2) The sums required for the Land Purchase Aid Fund shall be raised by the issue of Guar-

anted Two and Three-quarters per Cent. Stock as by this Act provided, and a sum sufficient to pay the dividends on the amounts of Stock issued for the purposes of this section, together with ten shillings per cent. per annum by way of sinking fund, shall be paid in each year to the Irish Land Purchase Fund out of the money provided by Parliament.

XLIII.—(1). For the purpose of aiding the sale of estates under this Act, and making contributions towards the expenses incidental to redemption of superior and intervening interests, the investigation of titles, the distribution of purchase money, and other matters, the Land Commission may in the prescribed manner and at the prescribed time, out of advances by the National Debt Commissioners from the said fund, pay to the vendor of each estate sold a percentage determined according to the scale set forth in the first schedule to this Act.

(2). In estimating the amount of the purchase money on which the percentage is to be payable, the price of any land resold to the vendor of an estate shall be included.

(3). After the expiration of five years from the commencement of this Act, and thereafter at each quinquennial period, the Treasury may revise the scale of percentages for the purpose of adjusting the relation between the unexpended balance of the fund and the claims which may be made upon it, and in such case the revised scale shall apply to all agreements for the purchase of estates entered into after the date of its publication.

(4). This section shall not apply to any estate sold by the Land Judge, where either a receiver has been appointed over the estate, or the estate is so circumstanced that it would independently of the Act of 1896 be sold without the consent of the owners as to price.

FEEES AND STAMPS.

XLIV.—No fees shall be payable in the Local Registration of Title Office on the registration of the ownership of any land purchased by the Land Commission or the Congested Districts Board, or for any land certificate issued to the Commission or Board or any purchaser from them.

XLV.—No stamp duty shall be payable on any order or instrument made or issued under the Land Purchase Acts, or Part II. of this Act, whereby any land in respect of which an advance is made under those enactments is vested in any person, or is conveyed, or agreed to be conveyed, to any person.

TRUSTEES.

XLVI.—(1) Where any land purchased by means of an advance under the Land Purchase Acts, is Settled Land within the meaning of the Settled Land Acts, 1882 to 1890, the Trustees of the Settlement may, notwithstanding anything contained in the Settlement on the request of the tenant for life, and without the consent of any other person, invest the purchase money or any part thereof, not only in any investment in which Trustees are by any Act authorised to invest Trust Funds, but also in any investment authorised by the rule making authority under Section 61

of the Judicature (Ireland) Act, 1877, as amended by any enactment.

(2) That authority shall cause to be published from time to time in the "Dublin Gazette" a list of such investments as may for the time being be authorised by them, for the investment of purchase money under this section.

(3) A Trustee shall not incur any liability by reason of any investment made in pursuance of the powers conferred by this section.

XLVII.—(1) For the purposes of the Land Purchase Acts there shall be a Public Trustee.

(2) The Public Trustee shall be a corporation under that name with perpetual succession, and an official seal, and may sue and be sued under that name.

(3) The Lord Lieutenant shall appoint a fit person to the office of Public Trustee, to hold that office during pleasure.

(4) The Public Trustee shall, out of money provided by Parliament, be paid such salary as the Treasury may sanction.

(5) The Public Trustee may employ such officers and persons as subject to the sanction of the Treasury he may find necessary for the purposes of this Act, and those officers and persons shall be remunerated at such rates and in such manner as the Treasury may sanction, and the expenses of an incidental to the office of Public Trustee shall be paid as part of the expenses of the Land Commission.

(6) No fees shall be payable to the Public Trustee for any services rendered by him under this Act.

(7) The Public Trustee shall not incur any liability by reason of any act or thing done by him in good faith in pursuance of the provisions of this Act.

(8) The Public Trustee may hold property jointly with any persons or Corporation, aggregate or sole, and under that name may be entered in the books of any company or person as holder, either alone or jointly with any person, of stock, shares, or securities entered in such books.

(9) The order of the Public Trustee given his seal shall be a necessary and sufficient authority to any such company or person for the transfer of any such stock, shares, and securities so far as respects the interest of the Public Trustee.

(10) Where any settled land has been purchased by means of an advance under the Land Purchase Acts, and there is no trustee of the settlement, the public trustee may be appointed by the Land Commission to be trustee of the settlement.

(11) Where the trustees of any such settlement refuse or neglect to invest the purchase money in any securities authorised by the Lord Lieutenant, in pursuance of the last preceding section, the tenant for life may apply to the Land Commission to substitute the public trustee for those trustees, and the Land Commission may by order make such substitution accordingly.

(12) The trustees of any such settlement may apply to the Land Commission to be discharged from their trust, and the public trustee be appointed in their place, and the Land Commission may, if they think fit, make an order accordingly.

(13) Where the public trustee is appointed trustee of any settlement under the provisions

of this section, the Land Commission may make such further or other orders as may be necessary for the purchase of vesting the trust fund in him or otherwise as the circumstances of the case may require.

(14) Rules may be made by the Land Commission with the approval of the Lord Lieutenant for the purpose of carrying this section into effect, and for regulating the exercise of the powers and duties of the public trustee, and in particular may provide that the trustee shall, on the request of any person proposing to sell an estate, give an estimate of the probable financial effect of such sale.

MISCELLANEOUS.

XLVIII.—Notwithstanding anything in section 2 of the Purchase of Land (Ireland) Amendment Act, 1888 (which imposes the limit of three thousand or five thousand pounds, as the case may be, on advances under the Land Purchase Acts), the following shall have effect:—

(1) If the tenancy in a holding was created after the first day of March last before the passing of this Act an advance in respect of the purchase of the holding shall not, together with the amount (if any) of any previous advance under the Land Purchase Acts then unrepaid by the purchaser, exceed five hundred pounds.

Provided that the said limit may, where the Land Commission consider it expedient for the purpose of sales under Section 40 of the Act of 1896, or sales of estates under this part of this Act, be extended to one thousand pounds in the case of a holding situate in an administrative county or in a riding of any such county which does not comprise a Congested Districts county.

(2) Advances under the Land Purchase Acts shall not be sanctioned by the Land Commission to any one purchaser of land held under a letting made by any court or judge exceeding the sum of one thousand pounds, save where the land is resold to the vendor of an estate, provided that the limit in this sub-section may under the circumstances aforesaid be extended to two thousand pounds.

XLIX.—(1) As between the Land Commission and the proprietor for the time being of any holding for the purchase of which the Land Commission have after the commencement of this Act made any advance under the Land Purchase Acts, the following conditions shall be imposed, that is to say:—

- (a) The holding shall not be sub-divided or let without the consent of the Land Commission, and if the proprietor sub-divides or lets the holding, or any part thereof without such consent the Land Commission may cause the holding to be sold.
- (b) Where the title of the holding is divested from the proprietor by bankruptcy the Land Commission may cause the holding to be sold.
- (c) Where on the decease of the proprietor the holding would by reason of any devise, bequest, intestacy, or otherwise become sub-divided or vested in more than one person, the Land Commission may require the holding to be sold within 12 months after the death of the proprietor to some one person, and, if default is made in so selling, the Land Commission may cause the holding to be sold,

provided that the Land Commission instead of requiring or causing a holding to be sold, may in the prescribed manner and on the prescribed request by persons interested, nominate some person interested in the holding to be the proprietor of the holding and provide for the satisfaction of the claims of other persons interested, including any creditors of the deceased by charging them upon the holding or otherwise.

(2) The proprietor of the holding shall not without the consent of the Land Commission mortgage or charge the holding or any part thereof for any sum exceeding ten times the rateable value of the holding or part, and every instrument of mortgage or charge on a holding or part, for any large sum shall be null and void as to the excess.

(3) Every instrument of mortgage or charge on a holding shall be registered under the Local Registration of Title (Ireland) Act, 1891, as a burden affecting that holding, and if not so registered shall be null and void.

(4) Sub-sections 2 and 3 of Section 30 of the Act of 1881 as amended by any enactment shall apply to proceedings under this section.

L.—Where a holding subject to a perpetual rent-charge under this Act is put up for sale, whether by or at the instance of the Land Commission, or at the suit of an encumbrancer, the holding shall be sold discharged from all claims or encumbrances other than the purchase annuity (if any) and the perpetual rent-charge, of all persons whomsoever who are interested in the holding, and all such claims shall as from the date of the sale cease against the holding and attach to the purchase money, in the manner as immediately before the date of the sale they attached to the holding.

LI.—(1) The Commissioner of Valuation and Boundary Surveyor shall—

- (a) Furnish the Land Commission with such maps as they may require, and
- (b) So soon as he is aware of the sub-division or letting of a holding charged with an annual sum payable in respect of an advance under the Land Purchase Acts give information to the Land Commission in the prescribed manner of such letting or sub-division.

(2) When any collector of poor rate becomes aware of any sub-division or letting of any such holding, he shall as soon as may be give information thereof to the Commissioner of Valuation and Boundary Surveyor.

(3) The district registrar of births and deaths shall so soon as he is aware of the death of any person who was at the time of his death the proprietor of any such holding situate in the whole or in part within his district give information to the Land Commission, in the prescribed manner, of such death.

(4) Every district registrar and collector of poor rates who fails to comply with the requirements of this section shall be liable, on summary conviction, to a fine not exceeding ten pounds.

(5) The Lord Lieutenant may make rules for carrying into effect the objects of this section, and those rules while in force shall have effect as if enacted in this Act.

LII.—Section 35 of the Act of 1896 shall apply in the case of sales to tenants under the Land Purchase Acts in proceedings before the Land Judge, with the following modifications:

(1). The date at which interest on the purchase money shall begin to be payable shall be where the sales are being effected under Section 40 of the Act of 1896; the date of the order of the Land Judge directing the offers of the sale of the holdings to be made to tenants. Where the sales are being effected under other provisions of the Land Purchase Acts, the date of the order of the Land Judge accepting the offer of the tenants. Such interest shall be calculated on so much of the purchase as is being advanced by the Land Commission, and shall be paid to, and be collected and recoverable by the Land Commission, and Sub-section 2 of Section 35 of the Act of 1896 shall apply accordingly, with the substitution of the date of the said order of the Land Judge for the date of the agreement in the said sub-section mentioned, and with the modification in this section mentioned.

(3). The portion of such interest not liable to be applied under Section 20 of the Act of 1887 shall be paid to such person or lodged to such account as the Land Judge may direct.

(4). Where an offer of the Land Judge for the sale of a holding to the tenant thereof is accepted, not more than one year's arrears of rent shall be recoverable from that tenant.

(5). For the purposes of this section the word "landlord" in sub-section 2 of section 35 of the Act of 1896 shall include a receiver appointed in any action or matter.

LIII.—(1). The report mentioned in paragraph (a) of sub-section 1 of section 40 of the Act of 1896 shall be made by one Commissioner, instead of two Commissioners, and where the Land Judge refers such reports to the Land Commission for reconsideration the same shall be reconsidered by three Commissioners, who shall have power to confirm or vary the same, or to make a new report, but save as provided by this section the terms and conditions contained in the report shall not be varied without the consent of the Land Judge.

(2) Paragraph (b) of sub-section 1 of said section 40 shall not, unless the Land Judge so directs, apply in the case of a person in occupation under a letting made by the Land Judge or Receiver Judge of a holding comprising a *demesne* or land suitable for building sites in the neighbourhood of a town or village.

(3). Where the Land Commission report that they cannot sanction advances in respect of three-fourths in number and rateable value of the buildings on an estate, the Land Judge may, if he thinks fit, make an order declaring that the provisions of the said section 40 shall not apply to that estate, and that section shall thereupon cease to apply.

LIV.—For the purpose of facilitating sales under the Land Purchase Acts the Land Judge may, if he thinks fit, subject to such conditions as may be prescribed by rules under section 23 of the Act of 1896, dispense with all or any of the requirements in sections 54, 55, and 61

of the Landed Estates Court (Ireland) Act, 1858, with respect to the ascertainment of rights, easements, and boundaries.

LV.—(1) If any land the subject of proceedings for sale under the Land Purchase Acts is liable, in conjunction with other lands, to any quit rent or other perpetual rent payable to the Crown, the Commissioners of Woods may apportion such rents upon or amongst the several lands liable to the payment thereof, or upon or amongst any part or parts of those lands in exoneration of the remainder thereof, or may charge the whole of any such rent on any parts of the lands charged therewith in exoneration of the remainder of those lands.

(2) For the purpose of apportionment or exclusive charge under this section, when any such rent or any portion thereof has been for a period of not less than twenty years, or is under the provisions of any contract paid in respect of any lands, such rent or portion thereof, as the case may be, shall be deemed to be charged on those lands, whether originally so charged or not.

(3) Every such appointment or exclusive charge shall be binding on the Crown and on every person, and the apportioned parts of any such rent or any such rent so exclusively charged shall thenceforth be issuing out of and chargeable upon the lands whereon the same may be apportioned or exclusively charged.

(4) No such apportionment or exclusive charge shall in any manner prejudice or affect any reversion or remainder of the Crown in any lands originally charged with any such rent so apportioned or exclusively charged, nor shall the sale of any apportioned part of a rent or of a rent so exclusively charged, or of any interest of the Crown in reversion or remainder in the same land affect the right or interest of the Crown in any other part of the lands originally charged with any rent so apportioned or exclusively charged, either as regards the part of any rent charged upon those lands and remaining unsold, or the interest in remainder or reversion of the Crown in those lands or otherwise.

(5) Where such apportionment or exclusive charge has been made a certificate shall be issued under the hand of the Commissioners of Woods setting forth the terms thereof, and that certificate shall be conclusive evidence of those terms and of the liability of the lands mentioned therein to the rent or part of a rent so exclusively charged or apportioned thereon. A duplicate of the certificate shall be deposited in the Public Record Office in Dublin.

(6) The Commissioners of Woods may remit for the determination under the powers conferred by any existing enactment of the Land Judge of the Land Commission any case under this section involving a question of law or other question which those Commissioners are unwilling to determine.

(7) Rules for the purpose of this section shall be made by the Commissioners of Woods, with the approval of the Lord Chancellor, the Land Judge, and the Judicial Commissioner.

LVI. (1) Where any land sold under the

Land Purchase Acts is subject, in conjunction with other lands, to any superior interest, and the Court is satisfied that for a period of not less than twenty years prior to the sale no payment has been made in respect of that interest by the owner of the land sold, and that the other lands subject thereto are a sufficient security therefor, the purchase-money of such land may be distributed without regard thereto.

(2) Where in the like case the court is satisfied that for a period of not less than twenty years prior to the sale payment in respect of a portion only of the superior interest has been made by the owner of the land sold, and that the other lands are a sufficient security for the balance thereof, the purchase money of the land sold may be distributed without regard to the balance.

LVII.—(1) Where any superior interest or an apportioned part thereof is redeemed under the Land Purchase Acts and the redemption price does not exceed thirty pounds, it may be paid to the person in possession or in receipt of the income of the superior interest, for his own benefit, or in case of the incapacity of such person, to the guardian, committee, husband, or trustees, as the case may be, of such person.

(2) If the redemption price exceeds thirty pounds but does not exceed one hundred pounds, it may be paid to the person in possession or in receipt of the superior or to trustees to be appointed or approved by the Land Commission, or the Land Judge, as the case may be, upon the undertaking in the prescribed manner of such person or of trustees to apply the redemption price as if it were capital money arising under the Settled Land Acts, 1882 to 1890.

(3) Any payment under this section shall operate as a discharge to the Land Commission or the Land Judge, as the case may be, of the liability in respect of which it was paid.

LVIII.—Notwithstanding anything in sub-section (3) of section 16 of the Act of 1887, if the parties do not within the prescribed time agree upon the redemption price therein mentioned, that price shall be determined by the Land Commission or the Land Judge, as the case may be.

LIX.—Where the Land Commission have put up for sale by public auction a holding which they are entitled to cause to be sold, for the non-payment of any sum due to them, and the holding has not been sold, the Commission may issue an order to the sheriff to put any person nominated by them in possession of the holding, and the order shall be executed by the sheriff in like manner as a writ for the delivery of possession.

LX.—(1) Where the Estates Commissioners or the Congested Districts Board have erected or improved any building on any land in respect of which an advance is made under the Land Purchase Acts, the Land Commission may, if they think fit, insure the building against loss or damage by fire, and may keep the same insured until the advance has been repaid.

(2) The Land Commission shall pay the pre-

miums on any policy of insurance effected in pursuance of this section, and those premiums shall be a charge on the land purchased, and the amount of each such premium shall be collected by the Commission from the purchaser of the land, and shall be recoverable in like manner as a purchase annuity.

LXI.—(1) The powers for the apportionment of an annuity, the discharge of portion of a holding from liability in respect of an annuity conferred by Sub-section three of Section Thirty-eight of the Act of 1896, may be exercised where the holding was sold or subdivided before the passing of the Act of 1896.

(2) Where the Land Commission exercise the power of apportionment conferred by the said Sub-section 3, either as amended or not, they may apportion in the same proportions the Guarantee Deposit (if any) retained to secure the repayment of the advance, and such last-mentioned apportionment may be made without the consent of the owner of the Guarantee Deposit.

LXII.—(1) Sub-section 2 of Section 29 of the Act of 1896 (which enables the Land Commission to pay the person entitled thereto the whole or any part of a guarantee deposit) shall apply to any such deposit made or retained in respect of advances under any of the Land Purchase Acts.

(2) Sub-section 3 of the said Section 29 is hereby repealed.

LXIII.—(1) Where an advance under the Land Purchase Acts has been made for the purchase of any land, an order of the Land Commission charging the land shall be valid and effectual, notwithstanding that the applicant for the advance may have died.

(2) Where the applicant for the advance has died, and there is no legal personal representative of such applicant, or no legal personal representative whose services are available for the sale, under the Land Purchase Acts, the Land Commission may, on such terms and conditions (if any) as they may think fit, appoint any proper person to be administrator of the deceased applicant, limited to the purposes of that sale, and such limited administrator shall for those purposes represent the deceased applicant in the same manner as if the deceased applicant had died intestate, and administration had been duly granted to such limited administrator of all the personal estate and effects of the deceased applicant.

(3) General rules under Sub-section 2 of Section 23 of the Local Registration of Title (Ireland) Act, 1891, shall provide for the registration of the owner of the land in any case to which this section applies.

LXIV.—The determination of any question of law arising under the Land Purchase Acts may be transferred by such authority and in such manner as rules under the Judicature (Ireland) Acts, 1877 to 1897, may direct, from the Land Commission to any division or Judge of the High Court.

PART II.

CONGESTED DISTRICTS.

LXV.—(1). The sums required by the Congested Districts Board for advances for the purchase of land shall be paid to them out of advances made by the National Debt Commissioners to the Land Commission under this Act, and all payments so made shall be deemed to be advances made to the Land Commission for the purposes of the Land Purchase Acts and shall be treated accordingly.

(2). Until the Congested Districts Board have disposed of the land so purchased by them to purchasers under the Land Purchase Acts interest shall be paid by the Board to the Land Commission at the rate of 2½ per cent. on all sums so advanced and for the time being outstanding in such amounts and at such times as may be prescribed.

Provided that if after the expiration of seven years any land so purchased has not been disposed of, payments on account of sinking fund at the rate of ten shillings per cent. per annum shall be made by the Board to the Commission. All such interest and sinking fund payments shall be a charge on and paid out of the annual income of the Board.

3). Regulations made by the Treasury may provide that where the Congested Districts Board have expended money on the improvement of an estate and in consequence have sold parcels of that estate at an enhanced price to tenants or others, the National Debt Commissioners may advance to the Land Commission for repayment to the Congested Districts Board, such sums as represent the increase of price consequent on the improvements.

LXVI. For the purposes of the Guarantee Fund a Congested Districts' county shall cease to be separated from the county in which it is geographically situate, and the local grants under the accounts headed "Model Schools and National Schools" shall form part of the contingent portion of that fund throughout the whole administrative county, and the interest on the Church Surplus Grant shall cease to form part of that fund in any electoral division of the county.

LXVII. There shall not be at any time vested in the Congested Districts Board untenanted lands exceeding in the aggregate according to the estimate of the Land Commission, as approved by the Treasury, the capital value of 38 times the interest on the Church Surplus Grant

LXVIII. (1) Where the Congested Districts Board purchase land for the benefit of a congested districts county, they shall sell under the Land Purchase Acts the parcels thereof which are not required for tenants of holdings in that county to any tenants or proprietors of holdings not exceeding ten acres in area and £5 in rateable value, on an estate adjacent to or in the neighbourhood of that land.

(2) The provisions of this Act with respect to the application of the Land Purchase Acts to parcels of land shall apply in the case of the sale of any such parcel.

LXIX.—Where a parcel of an estate purchased by the Congested Districts Board is resold to the vendor an advance under the Land Purchase Acts may be made to him not exceeding in any case one-third of the purchase money of the estate, or £20,000, whichever is the less.

LXX.—(1). For the purpose of the purchase by the Congested Districts Board of an estate from the Land Judge the provisions of this Act with respect to the Land Commission shall apply, with the substitution of the Congested Districts Board for the Land Commission.

(2). An order of the Land Judge declaring the Congested Districts Board to be purchasers of any land shall have the effect of a conveyance made by him, and shall also vest in the Board the right to collect and recover any arrears of rent specified in the order, and a certified copy of the order shall be transmitted to the registering authority under the Local Registration of Title (Ireland) Act, 1891, and the trustees of the Board shall thereupon be registered under that Act as the absolute owners.

LXXI.—The Congested Districts Board shall have, in the case of an estate purchased by them, all the powers with respect to regulations authorising the cutting of turf on holdings conferred on the Land Commission by the provision in that behalf of Part One of this Act, and those provisions shall apply accordingly, with the substitution of the Congested Districts Board for the Land Commission.

LXXII.—(1) The Congested Districts Board may enter into agreements for the purchase of land from any person who may be certified by the Estates Commissioners to be a person who may be dealt with as the owner of the land, in accordance with the provisions of Part One of this Act, or otherwise, and those Commissioners shall in such manner as may be prescribed by rules to be made by the Lord Lieutenant, prepare all such agreements and make orders consequential thereon vesting land in the trustees of the Congested Districts Board.

(2) Where a vesting order is made in pursuance of this section, the purchase money shall be distributed by the Land Commission in like manner as if it were the purchase money of land vested in the Commission, and all the provisions of Part One of this Act with respect to the distribution of the purchase money of land so vested shall apply accordingly.

LXXIII.—Where an application is made to the Land Commission for an advance under the Land Purchase Act to a person purchasing any land from the Congested Districts Board, and that Board certify that the land is, in their opinion, sufficient security for the repayment of the advance, the Land Commission shall sanction the advance.

LXXIV.—If at any time the arrears of any purchase annuity or perpetual rent-charge, payable in respect of an advance sanctioned in pursuance of a certificate of the Congested Districts Board, are declared by the Land Commission to be irrecoverable, that Board shall pay out of the interest on the Church Surplus Grant to the Land Purchase account the amount of those arrears.

LXXV.—(1). The Congested Districts Board may exercise the powers conferred on them by Section One of the Congested Districts (Ireland) Act, 1901, on a request made by not less than three-fourths in number and rateable value of the tenants of holdings situate on any townlands which would be affected by the exercise of those powers, in the event of the request being acceded to.

(2). The provisions of the said section.

PART III.

LAND LAW.

LXXVI.—(1). The Lord Chancellor may nominate any Judge of the High Court other than the Lord Chief Justice and the Master of the Rolls to act for the time specified by him as an additional judicial commissioner of the Land Commission for the purpose of hearing appeals under the Land Law Acts, and the judge so nominated shall, during that time, have the same jurisdiction as the Judicial Commissioner appointed under the Act of 1881.

(2). A Judge of the High Court appointed before the 1st day of January, 1902, shall not without his own consent be nominated under this section (1) as to an order of the County Court respecting charges, liabilities, and equities affecting a tenant's interest in a holding shall apply where with the consent of a tenant the area of his holding is altered, or he is put into possession of a new holding by the Congested Districts Board.

(3). Each of the Land Commissioners appointed under the Act of 1881, and holding office at the date of the passing of the Act, other than the Judicial Commissioner appointed before the passing of this Act, shall be entitled to a superannuation allowance calculated on a salary of £2,500, and otherwise in accordance with the provisions of the Superannuation Acts, 1854 to 1887.

(4). The Hon. Gerald FitzGerald, one of the Land Commissioners, shall, for the purposes of the Land Law Acts and Land Purchase Acts, but not further or otherwise, in addition to his existing powers, have all the jurisdiction and powers of a Judicial Commissioner, with the same rank and tenure of office as if he had at the commencement of this Act been appointed a Judicial Commissioner under the Act of 1881.

LXXVII.—A Sub-Commission shall, for the purpose of bearing any application under the Land Law Acts, consist of one Legal Assistant Commissioner and one Lay Assistant Commissioner.

LXXVIII.—(1) Any person aggrieved by any order made under the Land Law Acts by one Commissioner, not being a Judicial Commissioner, or by a Sub-Commission, may appeal to the Land Commission, and that Commission may confirm, modify, or reverse such order.

(2) All appeals under section 47 of the Act

of 1881, or under this section, and all re-hearing in pursuance of requisitions under section 44 of the Act of 1881, shall be heard and determined by one Judicial Commissioner, with the assistance of one specially qualified lay assessor.

(3) No requisition for re-hearing of a case under section 44 of the Act of 1881 shall be made after the commencement of this Act.

(4) On the hearing of any appeal, notice of which is lodged after the commencement of this Act, evidence which was not produced in the court below shall be admitted on special grounds only, and not without special leave of the Judicial Commissioner.

(5) In the case of any appeal or rehearing where an issue of fact is raised which was raised before the court below, and the Judicial Commissioner is satisfied that the appellant did not produce before that court material evidence on that issue which was in his possession, or within his procurement, he may order the appellant to pay the whole or such portion as he may think fit of the costs of the appeal or re-hearing.

(6) Rules under Section 50 of the Act of 1881 may be made with respect to the proceedings under this section in appeals and re-hearings, and those rules shall, among other things, provide for an ad valorem sale of fees to be paid on notices of appeal.

LXXIX. General orders may be made by the Land Commission, with the approval of the Lord Lieutenant and the Treasury, for the framing of lists of persons of skill and experience in agriculture to act as assessors under this part of this Act, and for the ascertainment of their functions and remuneration, and every person for the time being named in any such list shall give his attendance according to general orders.

LXXX.—(1). Where an application to fix a fair rent is pending at the commencement of this Act, or is thereafter served in the case of a holding subject to a judicial rent not exceeding £5, the Land Commission may dispose of the application upon the report in the prescribed form of one valuer to be appointed by them, and may make a conditional order fixing the fair rent, pursuant to such report, and shall in such case record in the form of a schedule the matters prescribed in accordance with Section 1 of the Act of 1896, and the schedule shall be authenticated by the signature of the Registrar of the Land Commission.

(2). A copy of the conditional order and schedule shall be forwarded by the Land Commission to the parties, and cause against making such order absolute may be shown on the following grounds only:—

- (a) That the applicant is not entitled to have a fair rent fixed.
- (b) That the conditional order is bad on the face of it; or
- (c) That the rent has been varied more than 20 per cent. from the judicial rent previously payable.

(3). A cause shown on either of the two first-mentioned grounds shall be heard by a legal Assistant Commissioner sitting alone, whose decision shall be final.

(4). A cause shown on the last-mentioned

ground may be heard by a Commissioner sitting alone, or by a Sub-Commission, and the order of the Commissioner or of the Sub-Commission, as the case may be, shall be final.

(5). If notice of intention to show cause is not served within the prescribed time, an order shall be made as of course, making the conditional order absolute.

LXXXI.—The period within which an address may be presented in respect of the rules under Section Fifty of the Act of 1881 as amended in any enactment shall be forty days, instead of one hundred days.

PART IV.

AMENDMENT OF LABOURERS (IRELAND) ACTS, 1883 to 1896.

LXXXII.—The expression "agricultural labourer" in the Labourers (Ireland) Acts, 1883 to 1896, and this Act, shall include any person (other than a domestic or menial servant) working for hire in a rural district, whose wages do not exceed two shillings and sixpence a day and who is not in occupation of land exceeding one quarter of an acre.

LXXXIII.—Before a sanitary authority provide in any improvement scheme for the erection of new buildings in any locality other than that suggested by the persons who signed the representation in pursuance of which the scheme is framed, they shall take into consideration the wishes of those persons as specified in the representation.

LXXXIV.—Where any agricultural labourer has made or concurred in the making of a representation under the Labourers (Ireland) Acts, 1884 to 1896, and within twelve months thereafter is dismissed from his employment, he may apply to a Court of Summary Jurisdiction for compensation on the ground that he has been dismissed by reason of his having made or concurred in making the representation, and if in the opinion of the Court he was dismissed for the reason aforesaid, the Court may award him compensation, not exceeding three months' wages.

PART V.

SUPPLEMENTAL.

LXXXV.—In this Act unless the context otherwise requires the expression "estate" in Part I. of this Act means any land which the Estates Commissioners may declare fit to be regarded as a separate estate for the purposes of this Act, and the said expression in Part II. of this Act has the same meaning, with the substitution of the Congested Districts Board for the Estates Commissioners.

The expression "prescribed" in any case not otherwise provided for means prescribed by rules made by the Land Commission under Section 50 of the Act of 1881 as amended by any enactment.

The expressions "registry of deeds" and "registry of judgments" have the same meanings respectively as in the Local Registration of Title (Ireland) Act, 1891.

The expression "The Land Purchase Acts" includes the Purchase of Land (Ireland) Act, 1901, the Purchase of Land (Ireland) No. 2 Act, 1901, and Part I. of this Act.

The expression "The Act of 1881" means the Land Law (Ireland) Act, 1881.

The expression "The Act of 1885" means the Purchase of Land (Ireland) Act, 1885.

The expression "The Act of 1887" means The Land Law (Ireland) Act, 1887.

The expression "The Act of 1891" means The Purchase of Land (Ireland) Act, 1891; and

The expression "The Act of 1896" means The Land Law (Ireland) Act of 1896.

LXXXVI.—(1) Part One of this Act shall be construed as one with the Land Purchase Acts and may be cited with those Acts.

(2) Part Two of this Act shall be construed as one of the Congested Districts Board (Ireland) Acts and may be cited with those Acts.

(3) Part Three of this Act shall be construed as one with the Land Law Acts and may be cited with those Acts.

(4) Part Four of this Act shall be construed as one of the Labourers (Ireland) Acts, 1883 to 1896, and may be cited with these Acts.

LXXXVII.—This Act may be cited as The Irish Land Act, 1903.

LXXXVIII.—This Act shall come into operation on the first day of November, 1903.

LXXXIX.—The Acts specified in the second schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

SCHEDULE.

First Schedule.

Amount of Purchase Money not exceeding £5,000,	15 per cent.
Exceeding £5,000, but not exceeding £7,000,	14 per cent.
Exceeding £7,000, but not exceeding £9,000,	13 per cent.
Exceeding £9,000, but not exceeding £11,000,	12 per cent.
Exceeding £11,000, but not exceeding £15,000,	11 per cent.
Exceeding £15,000, but not exceeding £20,000,	10 per cent.
Exceeding £20,000, but not exceeding £25,000,	9 per cent.
Exceeding £25,000, but not exceeding £30,000,	8 per cent.
Exceeding £30,000, but not exceeding £35,000,	7 per cent.
Exceeding £35,000, but not exceeding £40,000,	6 per cent.
Exceeding £40,000,	5 per cent.

Second Schedule.**ACTS REPEALED.**

Session and Chapter—44 and 45 Vict., c. 49.
 Short Title—The Land Law (Ireland) Act, 1881.
 Extent of Repeal—Section 26 so far as unrepealed, except sub-section 5. In sub-section 5, from "The Land Commission may" to the end of the sub-section. Section 27. Section 34 so far as unrepealed, except sub-section 5. Section 44, from "with this" to the end of the section. Section 47, from "all appeals" to "Judicial Commissioner."

Session and Chapter—48 and 49 Vict., c. 73.
 Short Title—The Purchase of Land (Ireland) Act, 1885. Extent of Repeal—Section 5, down to "for an advance." Section 7.

Session and Chapter—50 and 51 Vict., c. 33.
 Short Title—The Land Law (Ireland) Act, 1887.
 Extent of Repeal—In Section 16, from "If the

parties consent" to "apply to the Land Commission."

Session and Chapter—54 and 55 Vict., c. 48.
 Short Title—The Purchase of Land (Ireland) Act, 1891. Extent of Repeal—Section 3.

Session and Chapter—59 and 60 Vict., c. 47.
 Short Title—The Land Law (Ireland) Act, 1896.
 Extent of Repeal—In Section 20, sub-section 3; in Section 43, sub-sections 1 to 5.

Session and Chapter—62 and 63 Vict., c. 18.
 Short Title—The Congested Districts Board (Ireland) Act, 1899. Extent of Repeal—Section 3.

Session and Chapter—1 Edward VII., c. 3. Short Title—The Purchase of Land (Ireland) Act, 1901.
 Extent of Repeal—In Section 1, sub-section 2 and 3.

The Names on the back of the Bill are Mr. Wyndham, the Chancellor of the Exchequer, and Attorney-General for Ireland.

THE CLAUSES EXAMINED.

A detailed examination of the Clauses, their merits and their defects, was published in a series beginning April 6th. They formulate most of the criticisms to which the Bill has been subjected from the tenants' standpoint, and expose many defects not covered by the general discussion of the more glaring deficiencies of the measure. For that reason we append them here.

CLAUSE I.

The discussion of the Land Bill has now proceeded sufficiently far to enable a brief account to be given of its most obvious defects and the points upon which amendments are essential. Some of the worst of these defects are concentrated in the very first Clause of the Bill, which deals with the conditions for the purchase and resale of estates by the Land Commission. The Clause provides:—

ADVANCES FOR PURCHASE OF HOLDINGS WHERE WHOLE ESTATE SOLD.

1.—(1). In the case of the sale of an estate, whether to the Land Commission or otherwise, when application is made for an advance under the Land Purchase Acts of the whole purchase money of a holding, and the Land Commission are satisfied that the tenant is in occupation of the holding, then, subject to the limitations in the Land Purchase Acts on advances to tenants purchasing their holdings, the Land Commission shall sanction the advance in the following cases, namely:—

(a). In the case of the purchase of a holding subject to a judicial rent fixed or agreed to since the passing of the Act of 1896, or of a holding which is not subject to a judicial rent, but the tenancy in which is, in the opinion of the Land Commission, a tenancy to which the Land Law Acts apply, if the purchase annuity and perpetual rentcharge created under this Act payable in respect of the advance when taken together will be not less than ten or more than thirty per cent. below the existing rent; and

(b). In the case of the purchase of a holding subject to a judicial rent fixed or agreed to before that date, if the said purchase annuity and rentcharge when taken together will be not less than

twenty nor more than forty per cent. below that rent.

Provided that in the case of a holding not subject to a judicial rent but the tenancy in which is in the opinion of the Land Commission a tenancy to which the Land Law Acts apply, the Land Commission may, if they think it equitable, and if the purchase agreement so provides, treat the holding, for the purposes of this section, as a holding subject to a judicial rent fixed before the passing of the Act of 1896:

Provided also that in the case of a holding, subject to a judicial rent fixed or agreed to before the passing of the Act of 1896, the Land Commission may, if they think it equitable, and if the purchase agreement so provides, treat the holding, for the purposes of this section, as a holding subject to a judicial rent fixed since the passing of the Act of 1896.

(2). If the foregoing provisions are not complied with, the Land Commission shall not sanction the advance.

(3). The Land Commission, if they think it expedient with a view to the improvement of the estate, may declare that, for the purposes of this section, a portion of a holding shall be deemed a holding, and in such case may apportion the rent of the holding between the portion proposed to be purchased and the remainder of the holding.

(4). This section shall not apply in the case of holdings on congested estates as defined by this Act.

The great blot on this Clause is the fixing of a maximum reduction on the rent, involving a minimum price for the holding. Sub-Section (2) excludes from all the benefits of the Bill tenant purchasers who do not agree to pay at least 70 per cent. of a judicial rent fixed or agreed to since 1896, or at least 70 per cent. of a rent which is not a judicial rent, or at least 60 per cent. of a rent fixed or agreed to before the passing of the Act of 1896. Under

the existing Acts first term rents have been bought at as low as 14 years' purchase in Guaranteed Land Stock, or about $12\frac{1}{2}$ years' purchase in cash. That price gave the tenant a reduction of 44 per cent., though the terminable annuity lasted for only $42\frac{1}{2}$ years. His total payments, therefore, will amount to £2,380 for every £100 rent before he becomes absolute owner of his farm. Under this Clause he must pay at least £60 for $68\frac{1}{2}$ years, or £4,110, and remain subject to a rent-charge of £7 10s per annum for ever. The average price of all estates, including second term holdings, as well as first term, was last year 18 years' purchase, which gave on the average 28 per cent. reduction, while enabling the tenant purchasers to redeem their holdings in $42\frac{1}{2}$ years. In other words, the total payments on the average per £100 rent by tenant purchasers who bought last year and who elect to forego the decadal reductions will be £3,060. For that payment they become the absolute owners. The lowest possible price under the Clause for even first term rents would be £4,110, and the lowest rent-charge remaining would be £7 10s per cent. of the present rental. Thus the total minimum cost of purchase to the tenants is put up no less than 72.3 per cent. on the existing minimum price, and will be 30.7 per cent. higher than the present average. And this notwithstanding the fact that the landlord may receive in addition to the tenants' payments (1) a bonus of three years' purchase on the average; (2) cash instead of Land Stock, which means an addition of £10 cash for every £100 Stock, equal on 18 $\frac{4}{5}$ ths years' purchase, the minimum price under the Bill, to £188 or 1 $\frac{4}{5}$ th years' purchase; (3) the advantage of selling and buying his demesnes, for a price equal to the third of his whole estate, but not exceeding £20,000, and clearing his mortgages, thus effecting a saving equivalent to about £500 a year on an estate of that value, or the income on £15,000 at $\frac{3}{4}$ per cent.

The Clause itself points out the special hardship of this provision of a minimum price. It excepts from the condition "holdings on congested estates as defined by this Act." "Clause 5 defines a congested estate as "an estate not less than half of the area of which consists of holdings not exceeding ten acres in area and five pounds in rateable value, or of mountain or bog land, or not less than a quarter of the area of which is held in rundale or intermixed plots." Now on nearly every estate in Ireland there are holdings belonging to one or other of these classes. But if the number of them does not bear the ratio indicated to the

total number of holdings on the estate, they will have to be bought out at the minimum price, which is tacitly acknowledged by the exception of congested estates to be excessive for this class of holding.

The number of holdings rated at £5 and under outside the Congested Districts is not exactly ascertainable from the Blue Books. But in Leinster there are 48,196 holdings the total valuation of which is only £198,000; in Munster there are 54,401 holdings, the total valuation of which is £227,550; in Ulster there are 89,447 holdings, the total valuation of which is £457,540—Donegal containing 23,208 of these, valued at £85,444, leaving 66,239, valued at £372,096 for the rest of the province. Thus there are 168,836 holdings, or rather more than a third of all the holdings in Ireland, outside Connaught and Donegal, the total valuation of which amounts to £797,646. The vast majority of these to which the Land Law Acts apply will have to be bought under the conditions of Clause I., and the vast majority of them will derive no benefit from the favourable financial provisions of the Bill. Is this fair, either to the tenant or the taxpayer? Is it fair that a price should be fixed against the very poorest class of tenants, the class that most needs and most deserves the advantages that may accrue from the Aid Grant, the Guarantee Fund, and the provision respecting the redemption of mortgages on demesne lands? The thriving tenant whose purchase price would fall naturally within the range provided for in the Bill may get these advantages by bargaining. The struggling tenant will get none. On the contrary, the price is put up against him artificially, and he will have to pay the landlord a fourth bonus in addition to the three provided in the Bill. The minimum price provision must be knocked out of the Bill if great hardship is not to be inflicted upon the most needy class of tenants.

The next most patent blot on the clause is the provision which classes, for purposes of purchase, holdings "not subject to a judicial rent" with holdings upon which a rent has been fixed since the Act of 1896. Mr. Wyndham explained that these are holdings so fairly rented that the tenants have no cause to complain. That is not so. The class includes, first of all, the fifty thousand tenants who have lost their rights by the eviction-made-easy clause since 1887. In other words, the provision denies to the class of tenants that have been broken in the past an adjustment of their rents on a second term basis. These

are the tenants, standing on the brink of insolvency, who can offer the worst security to the State and require the biggest reductions to help them to solvency. They occupy the farms on which heavy arrears have accrued and from which the landlord's net income has been lowest, and, therefore, the farms which would sell the cheapest in the market. Yet it is proposed to group the occupiers of such farms in the same class as the second judicial tenants, and make them buy at the higher rates. Almost similarly conditioned are the tenants who have been in arrear in the rent office, and who are afraid to bring their landlords into Court lest it should involve their own eviction. They have been compelled to content themselves with such voluntary reductions as the landlord allowed them, reductions which in the majority of cases have only been given from year to year, and have not reduced the nominal rent of the farms, which rent will now form the basis of purchase. A third class not covered by Mr. Wyndham's description of the amiable landlord's tenantry are those who have been kept out of Court by direct intimidation, such as the threat of a forfeiture of turbary rights, mountain grazing, and other conveniences of the farm which the landlord had it in his power to give or to withhold. Finally, there is the class of timid or ignorant tenants whom everybody knows; the widows, the orphans, the tenants too small or too poor to fee a lawyer and fight the landlord at a cost that might exceed the value of the reductions obtainable. All these will be penalised for their poverty, ignorance, bankruptcy, or lack of liberty by this classification. Like the provision regarding the minimum price, the condition will hit the very poorest hardest, and deny adequate relief to those that stand most in need of it. The fixing of a minimum price aggravates the evil. For if there was no such provision the classification would not be such a hardship—the road to free and fair purchase on the lower scale being left open, whatever the maximum might be fixed at.

The third great defect of the Clause is the manner in which it deals with the first term rents. The Land Conference recommended that first term rents should first be adjusted to the second term scale; and then that purchase terms should be the same for the graded rental as for the second term rental. The average reduction given on first term rents by the Land Commission is over 20 per cent. In some parts of

able Ulster it reached 30 per cent. The Bill lumps the processes of adjustment and purchase reduction into one in the case of first term rents, and provides that the maximum reduction for both heads shall be 40 per cent. Apart altogether from the question of the unfairness and un wisdom of fixing such a maximum at all, it will be observed that the first term tenant is treated unfairly as compared with a second term tenant. The second term tenant has already received a reduction of 20 per cent. on the average from the Land Commission. The first judicial rent of £100 has been reduced to £80. The tenant may now receive a further 30 per cent. reduction on the reduced rent—that is, an additional reduction of £24—which brings his annuity to £56. He buys his farm and redeems seven-eighths of his annuity in 68½ years, paying the landlord £1,762, or 17 3-5th years' purchase of the first term rent, and remains subject to £7 a year as rent-charge thereafter. The first judicial tenant in exactly similar circumstances can receive only 40 per cent. reduction at most, instead of 44 per cent. His annuity will be £60, providing £1,888 to the landlord, or 18 4-5ths purchase of the first term rent, and his rent-charge will be £7 10s instead of £7 at the end of 68½ years. Such is the average measure of this inequitable discrimination. But between two tenants entitled to the maximum reduction on the first judicial rents the contrast is even more glaring. A tenant who has already had a 30 per cent. reduction, bringing his first term rent of £100 to £70, may buy at a further reduction of £21, leaving his annuity £49. He will pay £1,542, or about 15½ years' purchase of the first judicial rent; while his neighbour in similar circumstances is compelled to pay 18 4-5ths years' purchase and an annuity of £60. The permanent rent-charge of the one will be £7 10s, and of the other £6 2s 6d. Again, of course, the unfair disparity is largely the result of the maximum limitation. If both tenants were free to bargain, the price paid by each would fairly approximate, and both would receive equal advantages from the bonus additions to the price. To crown the inequality, the first term tenant may be transferred to the other category, and no reduction at all be allowed him by way of adjustment to the second term scale. This must be done by agreement. But a tenant in arrears may be compelled to the agreement, and there is no longer supervision against such duress. Unless amendments are introduced to remove such defects, it will be necessary for every first term tenant to apply to the Land Commission for a revision of his rent before considering the question

of purchase. The purchase transactions will thus be complicated, and the possible economies on the cost of the Land Commission reduced to a minimum.

Finally the condition imposed by the Clause, that the tenant must be "in actual occupation of the holding" is open to the obvious objection that it excludes the evicted tenant and the caretaker from the full benefits of the Bill. No doubt these can buy under the second clause, which empowers the Commissioners to sell unoccupied lands to evicted tenants or their legal representatives. But the advances under that Clause are limited to £1,000, whereas the advances under the first clause are subject only to the ordinary limitations of the Purchase Acts—that is, £3,000, or, in certain cases, £5,000.

To sum up the objections to the Clause:—

(a) The fixing of a maximum reduction and a minimum price is objectionable, because (1) it raises the price on the poorest class of holding; (2) it prevents the occupiers of the worst holdings from receiving any advantage from the various additions made by the State to the purchase price to facilitate purchase; (3) it weakens the security of the State for repayment where the security is most needed; (4) it violates the voluntary principle of the measure.

(b). The classification of holdings upon which no judicial rent has been fixed with holdings upon which judicial rents have been fixed or agreed to since the Act of 1896 is inequitable and unwise, because it denies the maximum advantage (1) to tenants who have failed since 1887, and lost their status as present tenants; (2) to tenants in arrear who were kept out of Court by fear of eviction; (3) to tenants prevented from applying for a judicial rent by threat of forfeiture of turbarry, mountain grazing, or other conveniences under the control of the landlord; (4) to tenants too poor to take advantage of the Act of 1881; (5) to future tenants who have never had a reduction; and (6) it treats nominal rents subject to voluntary reductions as net rents, and (7) fixes the highest price on farms from which the net income was lowest.

(c). The reductions possible on first judicial rents are not even equivalent to the reductions on second term rents.

(d). The Clause excludes the evicted tenants from the benefits of the maximum advance.

CLAUSE II.

Clause 2 is the clause that directly affects the question of evicted tenants. Unless before the sale of his estate a landlord agrees to

restore the evicted tenants on the estate to their holdings, the latter can be provided for only under this clause. It is as follows:—

(1) In the case of the sale of an estate advances under the Land Purchase Acts may be made for the purchase of parcels thereof by the following persons:—

- (a) A person being the tenant of a holding on the estate;
- (b) A person being the son of a tenant of a holding on the estate;
- (c) A person being the tenant or proprietor of a holding not exceeding ten acres in area and five pounds in rateable value, situate in the neighbourhood of the estate; and
- (d) A person who within twenty-five years before the passing of this Act was the tenant of a holding to which the Land Law Acts apply, and who is not at the date of the purchase the tenant or proprietor of a holding: Provided that in the case of the death of a person to whom an advance under this paragraph might otherwise have been made, the advance may be made to a person nominated by the Land Commission as the personal representative of the deceased person.

(2) Advances under this section shall not, together with the amount (if any) of any previous advance under the Land Purchase Acts then unrepaid by the purchaser, exceed five hundred pounds:

Provided that the limits in this sub-section may, where the Land Commission consider it expedient for the purpose of the sale of the estate, be extended to one thousand pounds in the case of a holding situate in an administrative county, or in a riding of any such county, which does not comprise a congested districts county.

(3) The Land Purchase Acts shall, subject to the provisions of this section, apply to the sale of a parcel of land in pursuance of this section, in like manner as if the same was a holding, and the purchaser was the tenant thereof at the time of his making the purchase, and the expression "holding" in those Acts shall include a parcel of land in respect of the purchase of which an advance has been made in pursuance of this section.

Sub-section 1 (a) extends the liberty of purchase to the evicted tenants wherever the whole estate is sold; but it is limited in its operations by that condition and by sub-section 2, which fixes £500 as the ordinary limit of the advance and £1,000 where a special order of the Commission is made that it is for the advantage of the estate to increase the advance. It has been already shown in these columns that this provision would have the effect of excluding about 22 per cent. of the evicted tenants absolutely from the purchase of their holdings and 40 per cent. unless the special permission of the Commission were obtained for the increase of the purchase money. Such limitations ought not to apply to the evicted tenants. Nor is that

the only blemish on the clause from their point of view. For if it enables £500 to be advanced to the evicted tenant for the purchase of the holding if it be vacant, it also empowers the Land Commission to sell the holding to persons belonging to any of the other classes defined in the clause. Such persons mentioned in (a), (b), and (c) may under the clause be put in possession of the evicted tenant's holding, and the latter is given no prior right of purchase.

CLAUSE III.

Further, it has to be considered at what price the holding may be sold to the evicted tenant. In relation to this, Clause 3 may have a very important effect. It provides that

(1). Where the owner of an estate has entered into agreements under the Land Purchase Acts for the sale to persons other than the Land Commission of the estate, the Land Commission may purchase from him any demesne or other land in his occupation and adjacent to the estate, at a price which in their opinion represents the selling value of that land, and in such case may re-sell the whole or any portion of that land to him.

(2). Where any land is re-sold, or where a parcel of an estate purchased by the Land Commission is re-sold to the vendor, an advance under the Land Purchase Acts may be made to the vendor, not exceeding in any case one-third of the aggregate amount of the purchase money of the holdings and other parcels of land comprised in the estate, or twenty thousand pounds, whichever is the less.

It will be noted that the Land Commission under this clause must pay "a price which, in their opinion, represents the selling value" of the land of an estate which is in the occupation of the landlord. Where land has been evicted, the landlord enters into legal possession of the tenants' improvements as well as of his own property. "The selling value" of the holding would, therefore, include the ordinary tenant-right as well as the owners' interest. If, therefore, for the settlement of the evicted tenants the land has to be first purchased under Clause 3 and then resold to the tenants under Clause 2, the evicted tenant may be obliged to pay an annuity that will cover the price of his own confiscated improvements as well as the landlord's property.

On the whole, it would seem that the evicted tenants' question can be satisfactorily dealt with only under "special provisions," such as were demanded unanimously by the Land Conference, and not under general provisions of this kind. If the evicted tenant is to be merely restored to a holding that may be thirty to sixty per cent. less in valuation than his old holding, if he is put back upon the bare land and deprecated buildings at an annuity that

will involve a rent for his own former interest as well as for the owner's estate, his last condition may be worse than his first.

When great industrial disputes are settled, the settlement covers every striker, the leaders and the led. The policy of vengeance in such cases is recognised to be the policy of folly. We are now considering the settlement of an industrial dispute that has involved a social war for a quarter of a century, has poisoned the relations of classes, and paralysed the national life. Surely the completion of the social appeasement and the termination of personal and class estrangements, with their bitter sequelae of boycottings, prosecutions, Land League huts, protection huts, police patrols and the rest, demand more serious consideration than is shown in the Bill and a more strenuous effort. "The wounded soldiers" have suffered enough; and the peasants, whose emancipation was bought by their sacrifices and sufferings, are not going to desert them in the moment of their own triumph.

The provisions required for the settlement of the evicted tenants are (1) their treatment as ordinary purchasing tenants under the Land Purchase Acts, and the recognition of their right to advances up to the full amounts of £3,000 or £5,000, as the case may be. (2) Their recognition of their prior claim to the holding where either it is unoccupied or the present occupier has no substantial interest. (3) Means for effecting equitable arrangements between the new occupier and the old where the former has acquired a substantial interest. (4) The provision of a holding equivalent in value to the old, and at a price that would secure the average advantages of the Bill to the evicted where such arrangements fail. The money for the settlement may well come out of the bonus fund. No class whose interests are involved have a greater claim. Where the landowners are being so well done for, this sore must not be left to fester and inflame.

Clause 4 provides for the sale to "any trustees approved of by the Land Commission" of turbary, mountain pastures, plantations for the purposes of the estate or of the Labourers Acts. It may be considered whether the trust authority ought not to be more closely defined.

CLAUSE V

Clause 5 deserves careful examination. It is the Clause that regulates the method of fixing the price of the estate for the landlord when the latter proposes a sale to the Com-

mission and the conditions under which the Commission may purchase. It runs:—

"5.—(1) Where the owner of an estate makes an application in the prescribed form to the Land Commission requesting them to inquire into the circumstances of the estate with a view to the sale thereof under this Part of this Act, the Land Commission may, after due inquiry, propose to purchase the estate at a price to be estimated as hereinafter mentioned.

"(2) The price of the estate shall be estimated on the assumption that each tenant of a holding thereon will purchase his holding, or some other designated parcel of land in lieu thereof, for an amount for which an advance under the Land Purchase Acts can be made without infringing any limitation in those Acts in advances to tenants purchasing their holdings, or any restriction in Section 1 of this Act, and that the remainder of the estate will be repurchased by means of advances in pursuance of the other preceding sections of this Act.

"(3) If within the prescribed time the owner of the estate agrees to sell the estate at the estimated price, and tenants of holdings on the estate, to the extent of not less than three-fourths in number and rateable value, undertake to purchase from the Land Commission their holdings, or other designated parcels of land in lieu thereof, for the respective amounts on the basis on which the price of the tenanted portion of the estate was estimated by the Commission, the Commission may agree to purchase the estate for the estimated price.

"(4) The Lord Lieutenant may, under special circumstances, and with the approval of the Treasury, dispense with the condition in the last preceding subsection as to undertakings to purchase holdings, where the Land Commission certify to him that they are of opinion that the resale of the estate can be effected without prospect of loss.

"(5) In the case of a congested estate as defined by this section, if the Land Commission certify to the Lord Lieutenant that the purchase and resale of the estate are desirable in view of the wants and circumstances of the tenants thereon, then the Land Commission may purchase the estate for a price to be agreed upon, and in such case the provisions of this section with respect to the basis on which the price of the estate is to be estimated shall not apply, and the condition in this section as to resale without prospect of loss may be relaxed, to such extent as the Lord Lieutenant may determine.

"(6) The expression, 'congested estate' means an estate not less than half of the area of which consists of holdings not exceeding ten acres in area and five pounds in rateable value, or of mountain or bog land, or not less than a quarter of the area of which is held in rundale or intermixed plots."

It will be seen that there is no obligation imposed upon the Land Commission to hear the tenants on the question of price before the proposal is made to the landlord. "Due inquiry" is to be made, and the price must be such as will involve an annuity, falling within the limits of Clause 1. What is "due inquiry?"

Does it involve inquiry of the tenants? Apparently the first the tenants may know of the projected sale is when they are asked to buy at the estimated price. If three-fourths agree the sale goes through. The Lord Lieutenant may, however, dispense with the consent of the tenants if the Commission certify that the estate can be re-sold without prospect of loss. Then will arise the question of the forfeiture of the right to a fair rent under conditions to be examined in Clause 17. To avoid friction, the "due inquiry," which is a preliminary to the fixing of the price, ought to involve an inquiry into the ability and disposition of the tenants regarding purchase.

Furthermore it will be observed that the Land Commission is not entitled to inquire what is the fair price, nor even to estimate whether the estate is security for the price. The price is to be estimated on the assumption that each tenant will purchase at a price that will merely give him the reductions specified in Clause 1. A farm may not be worth 18 4-5 years' purchase of a first term rent, or 22 years' purchase of a second term rent, but that is the lowest price the Commission may fix. The Land Commission is bound, as the poor tenant himself is bound, to fix the minimum at a figure that may exceed what the Land Purchase Commissioners at the present moment would advance on the security of the farm. This is scarcely business.

CLAUSE VI.

Clause VI. regulates the process by which the Land Commission may purchase estates in the Land Judge's Court. The Commission may apply for particulars regarding any estate "for the sale of which an absolute order has been made under the Landed Estates Court Act, 1858." Having inspected the estate, the Commission may, "subject to the provisions of the last preceding section (Clause V.), as to undertakings to purchase holdings and re-sales without prospect of loss," make an offer to the Land Judge for the purchase of the estate. The Land Judge, after giving notice and an opportunity of being heard to all the parties interested, shall, if he does not think the offer of the Land Commission sufficient, put up the estate for sale by public auction, and "shall, unless he considers it unreasonable or unjust, having regard to the interests of any such party as aforesaid, sell the same to the highest bidder." Section 40 of the Act of 1896 is suspended during these operations. The most remarkable thing about this Clause is the absolute power that it confers on Judge Ross. He may first of all over-ride the decision of

the three Estates Commissioners as to the price at which the estate may be sold without prospect of loss. Though the latter are no longer "prudent mortgages" in these transactions, and though the period of payment is extended and the annuity rate reduced to facilitate high prices being extracted, Judge Ross still retains the right to reject the offer of the Land Commission.

Nor is that all. After the rejection of the offer, the Land Judge is bound to offer the estate for sale by public auction. But again he may reject the price forthcoming in the open market. Thus, both the valuation of the Land Commission and the valuation of the market are subject to the Land Judge's opinion as to the price he may extort out of the tenants on the estate. The machinery of rigging the market against the tenants is maintained intact in the Land Judge's Court, even though the obstruction of sale and purchase in that Court, and the maintenance of it, at the expense of the Irish taxpayer, for the collection of mortgagees' interest is one of the scandals of Irish land administration. Surely, Mr. Wrench, Mr. Bewley, and Mr. Finucane may be presumed to be better judges of the value of an estate than the Land Judge? Their authority is, at least, equal. And this elaborate scheme for the perpetuation of the block in the Landed Estates Court ought to be amended.

CLAUSE VII.

Clause VII. does not call for much comment, except in one point. It provides that the Land Commission "may purchase any untenanted land which they consider necessary for the purpose of facilitating the re-sale, or re-distribution, of estates purchased or proposed to be purchased by them," and that the re-sale of the parcels of untenanted land shall be subject to the same provisions regarding advances as re-sale of parcels of lands comprised in estates. Although these latter "parcels of lands" may be sold to evicted tenants or their legal representatives, it is not quite clear whether this additional untenanted land, not forming part of the estate, may be acquired for the settlement of the evicted, or whether the latter purpose would be regarded as one falling within the definition of "facilitating the re-sale or re-distribution of estates." It is important that the Land Commission should be given the power of acquiring untenanted land for the purpose of settling evicted tenants in the case

where no arrangement can be made for their restoration to their old holdings. As the unoccupied land on an estate can be so used under Clause 2, there should be no possibility of questioning the legality of using this power of acquiring additional untenanted land for the same useful and peacemaking purpose.

CLAUSES VIII. TO XI.

Clauses VIII., IX., and X. call for no criticism. The capital value of land that may be at any one time invested in the Commission is fixed at five millions by the former clause, instead of three millions, as in the Bill of last year. This will facilitate the speed of the operations under the Bill. Sub-section 2 of Clause VIII. fixes the loss that may be made on the aggregate Congested Estates sold in any one year at 10 per cent. This may seem low; but, as the Commission is not bound by the minimum price in the case of Congested Estates, the 10 per cent. would prove sufficient, were not the purchase price inflated by the artificial minimum imposed on the market for similar property elsewhere. What is to be said for a policy, however, that recognises the wisdom of giving relief far in excess of any afforded under the ordinary provisions of Clause I. on Congested Estates, and yet exacts those terms from peasants of exactly similar conditions elsewhere, simply because they happen to be less than half the number of tenants on the particular estate to which they belong? The Ninth Clause merely provides that the estates to be purchased shall be mainly agricultural or pastoral. Clause X. abolishes the guarantee deposit, and thus enables the vendor to obtain the use of all his money when the superior interests have been met. The guarantee deposit used to amount to as much as a fifth of the purchase money, upon which only $2\frac{1}{2}$ per cent. was paid to the vendor. Now he is free to make his $3\frac{1}{2}$ or 4 per cent. on it from the beginning. This will be a substantial advantage where the purchase money is considerable, another of the many little "bonuses" disclosed by a study of the Bill.

Clause XI. raises another point of importance in connection with the settlement of the evicted. Sub-section 1 provides that "The Land Commission may, where an estate, or untenanted land, is vested in them, take such steps and execute, or cause to be executed, such works as may appear expedient for the benefit or improvement of the estate, or untenanted land." The Commission are also given, under the Clause, the same compulsory powers as the Congested Districts Board for the improve-

ment of the estate and the facilitating of re-sales. Now, why should not the resettlement of the evicted be made one of the purposes of this Clause? It is not quite clear whether "works" in connection with untenanted land would cover "buildings." The latter word might be added to remove the doubt and enable the Commission to do for the resettlement of the evicted what is done by the Congested Districts Board for the resettlement and migration of tenants on Congested Estates. As the Commission will have the same migratory powers under the Clause as the Congested Districts Board, an easy and an equitable solution of the evicted tenants question seems to be possible by such extension of the purpose of the Clause.

CLAUSE XII.

Clause XII. is one of the Clauses in the Bill that excite objection, not merely by the nature of its provisions, but from the evidence it contains of the lack of consideration given to the problems that it raises. The following is the text:—

(1) Where any right of hunting, shooting, fishing, and taking game or fish on any land, becomes vested in the Land Commission, that right may be disposed of by them as they think expedient.

(2) On the sale under the Land Purchase Acts of any land by the Land Commission, or of any land comprised in an estate by the owner of the estate, there shall be reserved, in the prescribed manner, to the Commission the exclusive right of mining and taking minerals, and digging and searching for minerals, on that land, and the said right shall be disposed of by the Commission in manner hereafter to be provided by Parliament:

Provided that the sub-section shall not apply

(a) to any demesne or other land repurchased by the vendor of the estate; or

(b) to any such right which constitutes a superior interest, or which is vested in the Crown.

(3) Where any right mentioned in this section is so disposed of or reserved, there shall be attached thereto a right to enter upon the land in respect of which the first-mentioned right may be exercised, and to authorise any person so to do; but any person entering upon land in pursuance of this sub-section shall be liable to make reasonable amends and satisfaction for any damage done or occasioned thereby.

There have been many suggestions of the best way of settling the sporting and fishing rights question—leaving it to the vendor and purchaser to settle between them; allowing them to go with the ownership of the land as they have hitherto gone; appropriating them as a source of public revenue and assigning them to the County Councils; but it was reserved to the authors of the Bill to dispose of the

problem by the vague proposal to vest them in the Land Commission, and allow the latter to dispose of them as they think fit. If these rights are not to follow the land as they have always followed it, some more definite scheme than this should be forthcoming. It should, however, be remembered (1) that over the greater part of Ireland sporting rights are of little value; (2) that if such rights are disposed of otherwise than to the tenants they may be developed into a valuable property in many instances, but the development can only be at the expense of the tenants, on whose crops the game will feed, and upon whose lands the sportsmen will have a right of entry, increasing in frequency; (3) that the most valuable sporting rights at present are those which are not attached to occupied land, but to unreclaimed mountain and bog, such, for example, as the land which may be held by trustees under Clause 4. It would not matter greatly to the farmer how these latter shootings and game rights were disposed of; it greatly matters to him how the game on his own land is to be preserved, increased, and taken if he is to have no special interest in the profits. Claims to compensation for damage done by game are vague things, and hard to establish. Having got rid of a periodical liability to a lawsuit, a hardy annual liability of this kind ought not to be imposed upon him.

The provision as to mineral rights is as indefinite as the provision as to sporting rights. Their disposal is to be settled "in manner hereafter to be provided by Parliament." Another Bill is needed to supplement the Clause; but the rights are divorced from the ownership of the land before any information is forthcoming regarding this supplementary proposal. That is an unsatisfactory method of legislation. Meantime two or three things are to be noted. The Clause would take away from the purchaser the right of raising sand, gravel, limestone, or other stone, even for the use of the farm or farm buildings. But what it takes away from the purchasing tenant it leaves to the purchasing landlord. The latter may sell his demesne land and untenanted land to the Land Commission and buy it back again. But he does not lose the ownership of the minerals by the transaction, though the State confers upon him in respect to those lands as great advantages as it confers upon the ordinary purchaser. As there is no rent-charge to adhere to the lands bought by the landlord, so there is to be no loss of the mineral rights. This discrimination

needs explanation. As to the right of the tenant-purchaser to compensation for damage by explorers, prospectors, and miners, it is one which he is not likely to appreciate. Those tenants who have gravel pits on their farms at present do not find the compensation forthcoming when the local authority enters upon their lands, a sufficient payment for the inconvenience.

The Clause is, no doubt, well-intentioned. It aims at the discovery and development of one of Ireland's undeveloped resources. The value of such resources in the present condition of the mineral markets of the world may easily be exaggerated. And, in any case, the exclusion of the occupying owner from all share in the profits of such discovery and development does not seem to make for the object aimed at in the Clause. Many experts hold that such exclusion is sure to operate against discovery and the facility of exploration. The tenant's interest will be all against the development, and he will be in the position of the Jesuits of Mexico, who discovered the gold mine, and hid their discovery in the interests of the Indians. If the purchaser is to be so excluded he must be secured in the right to the use of sand and stone on the farm for his own purposes; as well as given a more clearly-defined claim to compensation, and a definite means of recovery.

CLAUSES XIII. TO XVI.

Clauses XIII. and XIV. raise no difficulties. The former provides for the treatment of subtenants as tenants, the redemption of intervening interests, and the settlement of joint tenancies. Clause XIV. regulates the vesting of estates in the Land Commission. Clause XV. introduces the new principle which is alleged by some of the defenders of the minimum price proposal to the justification of that innovation. It provides:—

1. Where any person proposing to sell land under the foregoing provisions of this Act claims in respect of an interest which is sufficient to constitute him a person having power to sell under the Land Purchase Acts, and satisfies the Land Commission that for not less than six years immediately preceding he has been, by himself, or his agent, or a receiver in receipt of the rents or profits of the land, he may, if the Land Commission think fit, be dealt with as the owner of the land for all purposes other than the distribution of purchase money, without any further investigation of his title.

2. Where any person satisfies the Land Commission that he is the limited owner of any land, he may, if the Land Commission think fit, be dealt with as the owner of the land for

the purposes aforesaid, whether there is or is not a trustee of the settlement for the purposes of the Settled Land Acts, 1882 to 1890, and whether the consent of such trustee (if any) has or has not been obtained.

The Clause is intended to overcome some of the delays incident to the transfer of ownership. It was in the Bill of last year, which contained no restriction on the bargaining of landlord and tenant, and no such provision as a minimum price. Obviously the danger to superior or undiscovered interests from treating as owner the man actually in possession of the property is infinitesimal. Probably in not one of a thousand cases would the investigation of the title discover a better claim. To suggest that such a risk should be provided against by inflating the price against the purchasers of the other nine hundred and ninety-nine estates is absurd. We must seek elsewhere for the origin of that strange provision.

Clause XVI. makes the rents and arrears of rent payable to the Land Commission from the date of the purchase; and provides that interest on the purchase money at the rate of $3\frac{1}{2}$ per cent. shall be paid to the person described in Clause XV. until the land becomes vested in the Commission.

CLAUSE XVII.

Clause XVII. is one of the most contentious and inequitable provisions of the Bill, and the root from which many of the other defects of the measure spring. It runs:—

17.—(1) Where an estate is purchased by the Land Commission and—

(a) tenants on the estate to the extent of three-fourths in number and rateable value have agreed to purchase their holdings; or

(b) the Lord Lieutenant has dispensed with the condition as to undertakings to purchase holdings, and a majority in number of the tenants have agreed to purchase their holdings;

no proceedings to fix the fair rent of any holding on the estate shall be taken or continued.

(2) Where under Section 40 of the Act of 1896 the Land Judge has issued a request to the Land Commission to cause an estate to be inspected, or where the Land Commission under this Part of the Act have issued a request to the Land Judge to be furnished with particulars respecting an estate, or where the Land Commission under this Part of this Act have instituted inquiries into the circumstances of an estate with a view to the purchase thereof, no proceedings to fix the fair rent of any holding on the estate shall be taken or continued pending the completion of the sale of the estate, or as the case may be, unless and until the Land Commission certify that the sale cannot be carried into effect.

This Clause cannot be accepted in any shape or form. The tenants who hold under the Gladstone Charter cannot be dispossessed of their

rights by any other process than their transformation into peasant proprietors. The Clause in its principle is a Coercion Clause. It introduces compulsion against the tenant into a voluntary Bill; and the method in which the compulsion is applied is most objectionable and inequitable.

The minority, coerced under its provisions, may be, either (1) first term tenants who have not had their rents revived a second time. They may be actually in Court and their cases in process of being heard. We have already pointed out how unfairly Clause I. works as against the first term tenants. But this Clause stops the revision of the rent where the tenant is in Court, prevents the proper adjustment of the rental to its right measure, remits the tenant for relief to the purchase reduction provided under Clause I. for the category to which he belongs, and if he is not satisfied forfeits his right to any adjustment of his rental whatever. If he is entitled merely to the average reduction in his first term rental of 20 per cent., the most he can obtain by purchase is an additional reduction of 20 per cent.; while the majority voting for purchase may be second term tenants who have secured a reduction of 30 per cent. on the revised rental. If his first term rent was excessive, if his land is of a quality necessitating the cultivation of crops specially affected by the fall in prices, he suffers even more. Apart, therefore, from the root objection, to any interference whatever with the tenant right until it is transformed into ownership, the frame-work of the Clause is calculated to work grave injustice.

The minority may also include (2) tenants who have never had their rents revised. We have the authority of the Land Commission itself for the statement that such rents are now excessive and unfair, and that the minimum prices—six, nine, ten, and eleven years' purchase—have been paid in the past for such rents. Under the Bill the lowest price at which such rents could be purchased would be 22 years' purchase. Yet, unless a minority of tenants comprising such cases yield, mayhap, to a majority who have had their rents revised twice and reduced 30 per cent. by purchase—that is, on the average, cut down 50 per cent.—they forfeit all their rights to a revision of their rental. In other words, a majority of tenants paying eleven years' purchase of the old rents may vote to coerce a minority from whom twenty-two years' purchase of such rents, or even twenty-five is demanded. The proposal is simply monstrous.

A landlord, if he wants to prevent his tenants getting the full benefit of the Land Act of 1881,

has only to ask the Estates Commissioners to fix a price for his estate. They must offer him, under Clause V, at least 18 4-5 years' purchase of his first term rental, and at least 22 years' purchase of his second term rental. If a bare majority of tenants agree, the rest may be deprived of the most important right of the present tenancy. It is said, of course, that there must be some way of preventing sale being obstructed. There would be little obstruction if there were freedom to bargain and a proper adjustment of old rents and first term rents to current standard. Even as it is, however, the Bill provides for treating any parcel of an estate as an estate, and the landlord has, therefore, an open road provided to the bonus, without uprooting rights hardly won, which will be determinedly held.

The second sub-section is equally objectionable. It not only prevents the continuance of proceedings to adjust the rents of holdings on encumbered estates to present standard, where negotiations are proceeding between the Land Judge and the Land Commission, but prevents their initiation. "No proceedings to fix the fair rent of any holding on the estate shall be taken or continued pending the completion of the sale." This, even if the sale falls through, is a gross injustice. A fair rent dates from the date of the application to the Court. The Clause prevents a tenant entitled to go into Court from making an application. These proceedings between the Land Judge and the Land Commission may last a year or more. But the Clause imposes on the tenant the full unrevised rent for that period. Then if the Land Commission and the Land Judge agree the first term tenant is compelled to buy at 18 4-5th years' purchase, at least, of his rent, instead of 17½, and the tenant who has not had any rent fixed, at 22 years' purchase of the old rent, though they had actually taken steps to have their rents revised. If the Clause provided that no price should be fixed on any holding on which proceedings had been taken or were being taken to fix a fair rent until the fair rent had been fixed, and if the Land Commission were made to expedite the proceedings, it would do what the justice of the case required. This interference with the fair rent laws is a gross invasion without compensation of the tenant-right; and it is an invasion under circumstances that obviously involve grave wrong. Its clear effect is to drive up the price of first term and non-judicial rents unfairly; and in the latter case to impose the maximum price upon farms hitherto purchas-

THE "MINIMUM PRICE" IN THE LAND BILL.

HOW FAR IT EXCEEDS THE PRICES PAID IN EACH COUNTY SINCE 1885.

The Land Bill proposes that the lowest price to a tenant buying his holding is to be 22 years' purchase of second term rent, and the highest price 28 years' purchase, making the average 25 years. Taking into consideration that a part of the rent, varying from about 8 to 11 per cent., is to remain as a perpetual charge upon the holding, the lowest price of the rent to be paid off may be taken at 24 years' purchase, the highest at 32, and the average at 28.

The subjoined Table, compiled from the official records, shows the average price of all land sold in each county, to the tenants, through the Land Commission, since 1885. The average price for all Ireland, for the entire period, was 17 years' purchase. The county averages below that price are shown in the Table in blacker figures than those which rose above it:—

AVERAGE YEARS' PURCHASE PAID IN EACH COUNTY IN EACH YEAR SINCE 1885.

	1886	1887	1888	1889	1890	1891	1892-3	1894	1895	1896	1897	1898	1899	1900	1901	1902
ANTRIM	21.6	18.7	19.8	19.9	15.8	20.6	19.6	19.5	18.8	19.5	17.4	19.3	19.5	18.6	19.5	18.5
ARMAGH	20.2	23.3	17.6	17.2	20.6	17.4	17.7	17.0	—	17.2	16.6	17.0	16.5	15.9	13.0	18.1
CAVAN	17.8	19.0	17.1	15.3	16.9	17.0	17.4	17.9	17.8	16.7	16.2	16.0	18.2	18.9	18.4	17.8
DERRY	17.3	17.2	18.0	18.8	17.9	17.2	17.8	18.0	17.1	17.3	16.8	18.1	18.5	18.3	18.6	19.0
DONEGAL	20.6	22.2	19.8	18.5	18.5	13.7	18.5	18.0	19.4	19.0	15.6	17.3	19.4	19.2	19.1	19.0
DOWN	20.5	18.6	18.7	19.2	15.0	18.0	18.6	19.3	20.1	20.7	19.6	19.8	18.7	18.1	19.4	19.6
FERMANAGH	24.0	21.8	19.3	19.1	19.2	18.5	19.2	19.8	16.0	19.2	17.6	18.8	17.8	19.4	18.4	19.2
MONAGHAN	—	15.6	17.3	18.0	16.2	15.9	16.9	19.0	17.4	17.7	17.2	17.4	15.4	15.6	17.7	17.7
TYRONE	19.1	19.2	19.0	19.2	20.1	18.9	19.0	18.2	18.3	18.4	17.8	18.7	18.1	18.7	18.0	18.4
GARLOW	18.8	18.0	—	14.6	18.1	17.1	17.4	17.9	16.5	19.4	18.4	18.4	20.4	18.2	18.2	18.3
DUBLIN	16.3	18.8	18.0	18.4	17.7	16.2	17.9	18.0	16.1	15.5	—	17.8	19.9	19.9	17.9	16.3
KILDARE	18.3	18.8	18.9	17.2	17.3	17.6	18.2	17.8	17.2	17.4	15.9	17.7	17.9	20.0	20.5	17.9
KILKENNY	20.0	17.7	18.2	16.0	17.0	15.9	16.8	17.0	13.8	17.1	17.8	17.5	17.6	17.3	17.6	18.4
KING'S	15.5	16.2	19.5	18.3	15.9	17.8	17.3	18.0	15.8	16.6	15.8	16.5	17.1	16.6	18.9	18.5
LONGFORD	13.9	15.3	23.1	14.1	12.7	16.3	15.4	16.0	14.5	15.4	14.1	15.2	15.3	18.4	18.1	18.5
LOUTH	—	16.6	16.6	19.2	13.6	15.1	16.9	25.1	17.6	16.0	17.2	16.2	16.6	17.3	17.8	16.4
MEATH	13.2	19.9	17.4	16.8	18.3	16.2	17.2	17.4	15.9	—	17.7	17.5	17.8	17.6	19.6	18.3
QUEEN'S	20.0	18.8	18.1	18.0	17.2	15.6	17.2	17.3	17.5	18.5	16.2	17.3	18.4	18.7	18.9	19.7
WESTMEATH	19.8	18.3	17.0	18.5	16.5	19.5	17.5	15.4	15.0	17.2	17.9	17.4	17.8	17.8	17.9	18.2
WEXFORD	—	15.6	16.3	16.4	15.9	16.9	16.2	17.0	14.5	17.2	17.7	17.5	17.7	18.5	18.4	18.1
WIGLOW	18.9	17.9	18.7	17.6	16.9	20.3	17.7	18.0	—	16.9	18.0	18.5	15.3	16.9	19.3	21.3
GALWAY	17.2	20.5	18.6	18.3	14.1	20.9	16.3	10.9	15.2	15.9	14.3	16.1	17.4	16.9	17.6	17.2
LEITRIM	17.9	14.8	15.0	17.0	15.7	16.9	16.1	14.5	13.9	15.3	—	14.9	16.1	16.6	17.5	18.2
MAYO	17.7	17.7	16.5	15.8	14.6	16.3	16.7	16.9	6.2	17.4	16.3	16.8	17.5	18.0	16.6	15.5
ROSCOMMON	—	17.6	16.6	16.6	15.9	14.4	16.5	15.0	16.9	16.7	16.3	17.1	18.1	17.1	19.3	18.0
SLIGO	22.6	20.5	16.3	15.5	16.0	18.8	18.2	10.0	16.2	17.3	19.2	16.3	16.4	19.1	16.9	17.8
CLARE	22.8	18.3	16.7	12.8	15.7	13.2	15.2	13.7	15.5	15.1	—	15.7	15.7	16.7	16.7	18.7
GORK	17.1	15.6	17.1	14.6	15.2	14.8	15.1	15.6	15.0	15.3	14.5	16.4	16.5	16.9	15.9	16.4
KERRY	17.2	16.8	16.1	15.4	14.6	14.3	16.1	11.5	14.5	17.5	12.9	13.1	17.3	18.0	17.4	17.5
LIMERICK	23.6	16.3	15.7	14.7	15.1	14.6	15.5	14.7	15.2	15.8	14.6	16.1	15.3	17.0	18.9	18.6
TIPPERARY	19.2	17.3	16.8	16.0	15.0	16.2	16.1	15.3	16.5	15.3	16.9	16.0	17.7	17.6	18.2	17.5
WATERFORD	18.0	17.7	17.2	17.9	15.9	16.6	17.1	14.5	14.7	16.0	16.5	15.7	17.4	18.6	19.0	17.4

THE TABLE SHOWS:—

That the average price in the Land Bill has never been reached in any year in any county.

That even the lowest price exacted by the Bill has not been equalled by the average price in any county for any year of the past eight; and in the preceding eight years, out of a total of 250 annual county averages, that price was reached only ten times.

That the average price for Clare in 1889 was only 12.8 years' purchase; for Longford in 1890, 12.7 years; in 1894, for Kerry, 11.5 years; for Galway 10.9 years; and for Sligo, 10 years; in 1897, for Kerry, 12.9 years; and in 1895, for Mayo, 6.2 years.

That, in the whole period of 16 years, there were, in Leinster, 61 county averages under 17 years' purchase, whilst in Connaught 47 county averages, out of a total of 78, were under 17 years' purchase, and in Munster no fewer than 65, out of a total of 95.

The prices recorded in the Table have been accepted, since 1885, by landlords of all classes, for land in all parts of Ireland. The advances are repayable in 49 years, or 42½ years, by annuities which redeem the whole rent, and which are lower than the rent by 32 per cent. on the average. Since 1896 the tenants have had the option of extending the term of payment to 72½ years and reducing the annuities in the first 30 years by 36 per cent.

But now, under a Bill which purports to be "voluntary," and to give new benefits to the tenant, he is to remain subject to a perpetual rent charge, he is to pay at least 24 years' purchase of the rent redeemed, his annuity is to continue for 68½ years, and it must be paid in full to the end, there being no allowance of decadal reductions.

The Bill showers gifts upon the landlord. On the other hand the tenant's freedom of action is destroyed; the price of the land is compulsorily inflated; the relief obtained by purchase hitherto is cut down; the period of repayment is drawn out by a quarter of a century; no decadal reductions are provided; and the ownership of the holding is for ever denied to the so-called purchaser, though far more than the value of the holding has been paid by him.

It needs no prophet to see that a scheme so reactionary must fail, unless, by reconstruction, it is made progressive, or, if not progressive, at least not less fair to the purchasing tenant than the Act of 1896.

able, on the admission of the Land Commission themselves, at the lowest rates given under the Land Purchase Acts.

Clauses XVIII. and XIX. are necessary and right, and raise no difficulty. The former provides for the regulation of the public trusts in turbary, common pasturage, plantations, and labourers' allotments, created under Clause IV. The latter provides for regulation of turbary rights on individual holdings. Clause XX. provides for the settlement by the Land Commission of all disputes between purchasing tenants regarding boundaries, easements, and appurtenances claimed by one against the other. It is a useful Clause.

CLAUSE XXI.

Clause XXI raises some interesting questions of administration. It provides for the appointment of the Estates Commissioners and other officials for the administration of the Act, and regulates their powers and duties. Sub-sections 2 and 3 are as follows:—

(2) One of the Estates Commissioners shall be an existing member of the Land Commission, to be nominated by the Lord Lieutenant, and the others shall be persons to be appointed by his Majesty, by warrant under the Royal Sign Manual, as additional members of the Land Commission.

(3) The persons so appointed shall be paid out of money provided by Parliament an annual salary of two thousand pounds, and shall hold office during pleasure. The Chairman of the Irish Party has already pointed out the effect of the distinction here drawn between the Estate Commissioner who is "an existing member of the Land Commission" and the "persons appointed by his Majesty" as additional members of the Land Commission. The first will be a judicial personage, whose salary will not be on the Parliamentary Estimates, and who will, therefore, be above Parliamentary criticism. The additional members will be inferior in status, and their acts of administration will be open to discussion in Parliament. Mr. Wrench is the superior personage in this arrangement; Mr. Bailey and Mr. Finucane the inferior members. Such an arrangement must impair the equality of authority shared by the Commissioners. It is one that materially qualifies the satisfaction felt when the names of the Commissioners were first made public. The provision is not the only unsatisfactory one in the Clause. Sub-section 7 provides:—

For the purpose of assisting the Estates Commissioners in carrying the aforesaid provisions into effect the Judicial Commissioner may nominate such officers of the Commission, and the Lord Lieutenant may, with the consent of the Treasury as to number and remuneration, ap-

point, or authorise the employment of, such other persons as may be necessary.

Here the appointment of the principal officers of Land Commission is given exclusively to Judge Meredith. These subordinate officials will have a good deal to do with the administration of the Act. They will furnish many of the Inspectors, whose duty it will be to ascertain the circumstances of estates, and to report upon the question of price. The selection of such officers should not be entrusted solely to Mr. Justice Meredith, the former law-adviser of the Landlords' Executive. Let equal authority in the matter be given to the Estates Commissioners, and the provision be that "the Judicial Commissioner and the Estate Commissioners may nominate such officers." These personal questions cannot be dismissed as unimportant. The personal equation has largely determined in the past the quantity of good extracted by the peasants of Ireland from the Land Code. The constitution of the new Land Department should not be entrusted to any single Land Commissioner, much less to one of Mr. Justice Meredith's pre-judicial record.

Clause XXI., as we have seen, makes Mr. Wrench the independent and most expensive Estates Commissioner. His salary is to be £3,000 a year, and is, apparently, to be payable out of the Consolidated Fund. The salary of each of the other Estates Commissioners is to be £2,500 a year, to be paid out of "money provided by Parliament." Their actions will be open to Parliamentary criticism; Mr. Wrench's will not. Moreover, these two Commissioners "shall hold office during pleasure," while Mr. Wrench's tenure of office will be the ordinary judicial tenure. Whether it is for the public advantage and the benefit of the tenants that the two dependent Estates Commissioners should be under the thumb of the Executive, and Mr. Wrench independent of Executive and Parliament, is a point for serious consideration. Sub-section 6 of the Clause provides that "the Estates Commissioners, in carrying the foregoing provisions of this Act into effect, shall be under the control of the Lord Lieutenant, and shall act in accordance with such general regulations as may be made by him." Such regulations should be reviewable by Parliament, and a proviso should be inserted that they shall be laid on the table of the House of Commons before coming into effect.

Clauses XXII. and XXIII. provide for the distribution of the purchase money and the settlement of the claims of the various persons

having an interest in the estates purchased by the Land Commission.

CLAUSES XXIV. to XXXII.

Clauses XXIV. to XXXIX. determine the financial basis of the measure. The first provides that the landlords shall be paid in cash and not in Land Stock. At present the provision amounts to a substantial bonus on the cash value of the stock. The mean price of Guaranteed Land Stock last year was 93, as compared with 110 to 114 in 1896. The current price is 92. The average price of estates sold last year was 18 years' purchase in Land Stock; that is, £1,674 per £100 rent. The minimum cash price of first term rents under the Bill will be 18 4-5th years' purchase—that is, £1,880 per £100 first term rental; and the minimum cash price of second term rents and non-judicial rents—the latter of which have hitherto been bought at the minimum number of years' purchase—will be £2,200. The making up of the discount comes out of the Development Grant. Sub-section 6 of Clause XXXIII. provides that "where, by reason of any stock having been issued at a discount, the sums payable in any financial year by the Land Commission, in respect of advances to them of money raised by means of stock, are insufficient to pay the interest on the total amount of the stock outstanding, together with ten shillings per cent. on the portion of the stock representing the advances repayable by means of purchase annuities, the amount of the deficiency shall be made good out of the Guarantee Fund." Sufficient stock will thus be floated to pay full cash to the landlord, the tenant supplying the interest and sinking fund on the nominal price, and the Development Grant the balance.

Clause XXV. provides that the Stock shall be a $2\frac{3}{4}$ per Cent. Stock, to be called 'Guaranteed Two and Three-Quarters per Cent. Stock.' It will be as good as Consols. The interest is to be paid in equal quarterly dividends out of the income of the Irish Land Purchase Fund; but "if that income is insufficient" the dividends "shall be charged on and paid out of the Consolidated Fund of the United Kingdom on the growing produce thereof" (Clause XXVI). Thus the security of the Stock and of Consols is identical. Why, then, should not the interest be the same? When the Land Stock was first created Consols were a $2\frac{3}{4}$ Stock. Now they are a $2\frac{1}{2}$. Before the war $2\frac{3}{4}$ Land Stock stood at 114, equivalent to over 103½ for a $2\frac{1}{2}$ per Cent. Stock. At the present

price of the $2\frac{3}{4}$ per Cent. Land Stock the discount on the £5,000,000 a year, which, it is estimated, will be all that is required for the first two or three years, would be £400,000. Probably in three years the Stock will be at par. The total deficit, unless we have another catastrophe of the South African type, will not amount to much more than £800,000, which would require £26,000 a year interest and sinking fund out of the new Development Grant until it was wiped out by the premiums which will certainly accrue, if the public credit is maintained by a sound financial and foreign policy. Long before the end of the decade there will be no deficit. If the Stock was a $2\frac{1}{2}$ per Cent. Stock there is no reason why it should not approach the point at which it would have stood before the war. The deficit would amount to about £1,500,000 for the first three years, which would involve a charge of £48,750 on the Development Grant. But for this charge, diminishing after the first few years to the point of extinction, the country would receive the equivalent of an increased sinking fund on the total purchase money and the shortening of the redemption period. Were the annuity rate increased to $3\frac{1}{2}$, then the sinking fund might be doubled, and the redemption period shortened by 18½ years. Supposing the cost of Land Purchase to be £100,000,000, the peasants and the country would save the equivalent of £2,750,000 a year for that term, or £50,875,000 on the gross cost of the transaction. If necessary also the change would mean the preservation of a modified decadal reduction system.

"The expenses of issue" are under Sub-section 4 to be paid out of the proceeds of the Stock. When a charge falls on the Consolidated Fund it is to be treated as "a temporary advance to the Irish Land Purchase Fund, and shall be made good out of the Guarantee Fund" (Clause XXVI.) By the next Clause the National Debt Commissioners are empowered to borrow temporarily for the purposes of Land Purchase either out of funds at their own disposal or from the Bank of England or Bank of Ireland instead of issuing Stock. The money so borrowed must be made good out of next issue of the Stock. Clauses XXVIII. to XXXII. make provision for the management of the Stock by the Banks of England and of Ireland, the payment of the expenses of management out of the vote of the Land Commission, the keeping of accounts, the investments of balances, and other matters of course that do not need comment.

CLAUSE XXXIII.

Clause XXXIII, which regulatee the payment of interest and sinking fund to the National Debt Commissioners, is as follows:—

(1) Interest at the rate of two and three-quarters per cent. shall be paid by the Land Commission to the National Debt Commissioners on all sums advanced under this Act by the National Debt Commissioners to the Land Commission and not certified by the Commissioners to have been repaid.

(2) In so far as any advances are made by the Land Commission to purchasers to be repaid by means of purchase annuities, and not by means of a perpetual rentcharge, the Land Commission shall, until the advances are ascertained to have been repaid, pay to the National Debt Commissioners in respect of those advances ten shillings per cent. per annum, which shall be treated as a sinking fund for accumulation, and for this purpose shall be credited to the capital account of the Irish Land Purchase Fund, and applied to the purchase of the stock, or invested in further advances under this Act, or temporarily invested in the purchase of securities approved by the Treasury.

(3) Where the Land Commission purchase any land, no sums on account of sinking fund shall be payable until the Land Commission have disposed of that land to the purchasers, or until the expiration of five years from the purchase of the land, whichever shall be the sooner, but during any period which may intervene, between the expiration of the five years and the disposal of the land, payments on account of sinking fund shall be made at the rate of ten shillings per cent. per annum.

(4) If at any time the said annual payments shall be in arrear for forty days, the amount in arrear shall be charged on, and forthwith made good out of the Guarantee Fund.

(5) Payments by the Land Commission under the preceding subsections shall be made at such times in each year as may be prescribed by the Treasury.

(6) Where, by reason of any stock having been issued at a discount, the sums payable in any financial year by the Land Commission under this section, in respect of advances to them of money raised by means of stock, are insufficient to pay the interest on the total amount of the stock outstanding, together with ten shillings per cent. on the portion of the stock representing the advances repayable by means of purchase annuities, the amount of the deficiency shall be made good out of the Guarantee Fund.

(7) Where, by reason of the issue of any stock at a premium, the sums payable in any financial year by the Land Commission under this section, in respect of advances of money raised by means of stock, are more than sufficient to pay the interest on the total amount of the stock outstanding, together with ten shillings per cent. on the portion of the stock representing the advances repayable by means of purchase annuities, the surplus shall be applied in the first instance in repaying, in manner prescribed by the Treasury, to the Guarantee Fund any sums paid out of that fund under the pre-

ceding subsection, and any balance shall be carried to a reserve account, and applied in or towards discharging any future liability of the Guarantee Fund under the preceding subsection, or to such other purposes connected with the Irish Land Purchase Fund as the Treasury may approve.

It will be observed from Sub-Sections 1 and 2 that the National Debt Commissioners and the Treasury, not the Bill, are to determine the length of the redemption period. 68½ years, the period mentioned by Mr. Wyndham, is merely an estimate. Should the sinking fund not produce the interest estimated on existing probabilities the period may be extended by the Treasury.

Sub-section 2 fixes the sinking fund at ten shillings per cent. on the part of the purchase annuity that is not treated as a rent-charge. The latter is irredeemable. Hitherto the sinking fund amounted to £1 5s. In the Bill of last year Mr. Wyndham proposed to reduce it to £1, leaving the redemption period at 49 years. It would allow, he estimated, of the tenant increasing his payment by two years' purchase without increasing his annuity. Now the sinking fund is cut down, not by 5s, but by 15s. If the purpose is the same, Mr. Wyndham has expects from the tenant purchaser, not two years' bonus to the landlord, but nearly six years' bonus; for where the 4 per cent. annuity rate would provide 25 years' purchase of £100, and the 3½ per cent. proposed last 26 2-3, the 3½ per cent annuity rate would produce 30 10-15. Each successive lowering of the rate, of course, involves an extension of the redemption period. Last year it was to be 55 years, now an estimate of 68½ years is the limit. But while last year, when there was no bonus, the tenant was free to bargain with the landlord to divide, if he could, the increased purchase money with him, this year, when a three years' bonus is provided by the State, the minimum price prevents such negotiations in cases where it is essential to the State itself, as well as to the purchaser, that some share of the advantage should go to the latter.

The provision of no sinking fund on the rent-charge leaves that a perpetual charge, not merely upon the tenant, but upon the nation at large. For, as we shall see later on, the landlord gets the value of it as a perpetuity, and not merely as a terminable annuity, as some persons by their arguments that the rent-charge will be a valuable Irish asset in the future, however distant, seem to imagine.

Sub-section 3 adds a serious significance to the provision that enables the Estates Commissioners, with the consent of the Lord Lieutenant, to buy estates even where they have

not obtained agreements to purchase from the tenants, and an even greater significance to the provision that where a majority of tenants agree to purchase the minority shall forfeit their rights to have a fair rent fixed. For it clearly contemplates the holding of parcels of estates by the Commissioners for a considerable term of years. No doubt, it is limited by the limitation of £5,000,000 on the amount of land that may be vested in the Commissioners without their having received agreements to purchase. Nevertheless, the power of coercion implied by the sub-section, combined with the proviso as to the forfeiture of the right to a judicial rent, is a serious matter, and increases the force of the objections to any such interference with the tenant-right.

Sub-section 4 shows how absolute is the pledge of the Guarantee Fund. A delay of forty days in the payment of any interest due by the Land Commission will involve recourse to the Fund by the National Debt Commissioners.

The importance of the provision in Sub-section 6 to the vendors we have already explained. Sub-section 7 is, in fact, the necessary complement. It properly provides for the recoupment to the Guarantee Fund of any drafts made upon it in meeting the discount on the Stock before the premiums have begun to accrue. But the further provision as to the destination of the premiums after the deficit is made up is unsatisfactory. The balance thereafter accruing from the premiums on the Stock is to be "carried to a reserve account and applied in or towards discharging any future liability of the Guarantee Fund under the preceding sub-section, or to such other purposes connected with the Irish Land Purchase Fund as the Treasury may approve." The likelihood of any new demand for discounts arising once the Guarantee Land Stock has reached a premium is very small. But should such a demand arise the Development Grant will be still available as it is now. That Grant will bear the liability, present and future. Why should not the premiums go to the purposes of the Development Grant once the discount fund has been made good? It seems equitable that the purposes from which the money is diverted by the liability should also have whatever advantage may arise when premiums begin to accrue.

CLAUSES XXXV. AND XXXVI.

Clause XXXV. arranges for the ear-marking of the Development Grant:—

If by any Act passed in the present session provision is made for an Ireland development grant, the following provisions shall have effect:—

Out of this grant a sum of twenty thousand pounds shall in each financial year be paid to the Congested Districts Board, and a sum of fifty thousand pounds shall, in each financial year, up to and including the year ending on the thirty-first day of March, nineteen hundred and eight, be carried to the income account of the Land Purchase Fund, and the residue of the grant during the period aforesaid, and subsequently the whole grant, shall form part of the cash portion of the Guarantee Fund. So far as any portion of the amount so credited to the Guarantee Fund is required for the purpose of making good any deficiency in respect of the issue at a discount of any stock issued under this Act, that portion shall be applied for that purpose next before the grant described, in section five of the Act of 1891, as the Irish Probate Duty Grant, and now represented by the death duty grant payable under section nineteen of the Finance Act, 1894, and any portion of the remainder required for the purposes of the Guarantee Fund shall be applied thereto next after the agricultural grant under the Local Government (Ireland) Act, 1898.

This means that for the first five years £50,000 of the new Development Grant will be placed in the forefront of the existing Guarantee Fund, which is constituted of all the Irish grants-in-aid from the Imperial Exchequer. The balance of £135,000 will also form part of the Guarantee Fund; but the liability upon it will be only nominal, as the principal grants-in-aid, including the Agricultural Grant under the Local Government Act, will be the first liable for any deficits arising under the Bill.

Clause XXXVI. adds the Agricultural Grant to the Guarantee Fund, thus raising the credit for Land Purchase by £45,000,000, in itself no mean result of the Financial Relations agitation. It also provides—

(2) The annual sum of seventy thousand pounds mentioned in paragraph (b) of section fifteen of the Agriculture and Technical Instruction (Ireland) Act, 1899, shall form part of the contingent portion of the Guarantee Fund, and shall be available for the purposes thereof next after the grant in aid of the cost of maintenance of pauper lunatics.

(3) Instead of the limit of twenty-five times the share of a county in the Guarantee Fund imposed by sub-section one of section nine of the Act of 1891, there shall be substituted the limit of thirty times such share.

(4) Instead of the limit of fifty times the share of a county in the Guarantee Fund imposed by sub-section one of the Purchase of Land (Ireland) Act, 1901, there shall be substituted the limit of sixty times such share.

The cumulative effect of these provisions is to raise the credit for Land Purchase on the basis of Irish Local Grants to £150,000,000.

There were only about thirty-six millions available under the Land Act of 1891. This great increase in the credit available raises the question whether the limitations on the advance possible under the Acts might not be widened. The ordinary limit under the existing Acts is £3,000, and is maintained by the present Bill. Although the Bill contemplates purchase by estates, and the Estates Commissioners in order to facilitate such wholesale transactions might exercise their right to extend the limit to £5,000, it is worth considering whether some increase of the ordinary limit is not necessary and may not be conceded in view of the extension of credit. At 18 years' purchase, £3,000 sufficed to buy a rental of £166 13s 4d a year. But at 25 years' purchase, the mean of the price prescribed for second term and non-judicial rents, the maximum rental that could ordinarily be bought would be £120 a year. Such a limitation will work hardship upon many men who are really working farmers. In the neighbourhood of the big towns it will exclude many men who may be fairly described as small farmers. Its effect upon the development of the agricultural industry will be to hamper improvement in the quarters where we may expect the lead to be given. Without extending the limits so as to admit "the rancher," they ought to be considerably widened if many of the men who have worked hardest for land reform, and who stand as badly in need of relief as any other class, are not to be deprived of the opportunity of purchasing; and if the agricultural industry is not to continue hampered in the very direction towards which, under fairer conditions, we may confidently look for its revival to begin.

Clause XXXVII. empowers the Treasury to make rules for the carrying of the financial Clauses into effect, and Clause XXXVIII. gives all persons, "including the National Debt Commissioners," the same power of investing in Land Stock as in Consols. Is the desire of the National Debt Commissioners to have a 2½ per cent. Stock available for the investment of Savings Bank Deposits, now that Consols are a 2½ per cent. Stock, the real reason why the interest on Land Stock is maintained at the former figure?

CLAUSE XXXIX.

Clause XXXIX, the last of those dealing with General Finance, is an important one. It provides:—

(1) The Treasury may, on the request of the Land Commission, advance out of the reserve

fund established under paragraph (b) of sub-section two of section five of the Act of 1891, such sums as the Land Commission may certify to be required for the benefit or improvement by them of estates and untenanted land.

(2) The Land Commission may at any time repay to the said reserve fund any portion of the amount so advanced.

(3) Regulations made by the Treasury may provide that where the Land Commission have expended money on the improvement of an estate, and in consequence have sold parcels of that estate at an enhanced price to tenants or others, the National Debt Commissioners may advance to the Land Commission, for repayment to the reserve fund, such sums as represent the increase of price consequent on the improvements.

(4) Where the Land Commission have expended money on the improvement of a holding, any increase or price obtained by them, in consequence of any improvements effected on the holding, shall not be taken into account for the purposes of section one of this Act.

The Reserve fund mentioned in sub-section I was a guarantee fund created by the Act of 1891. Its accumulation was stopped by the Act of 1896, at which date it amounted to £200,000. Interest has also accumulated upon it, and it should now amount to about £240,000. This fund is now assigned to the Estates Commissioners, as the fund upon which they may draw for these improvements which they are empowered to make upon estates by Clause XI. By Clause VIII., it is further provided that "any money which the Land Commission have expended, or propose to expend, on the improvement of those estates shall be deemed to be repayable in full out of the purchase money for re-sales." That is, the purchasers will pay interest and sinking fund on the cost of the improvements; and sub-section 4 makes it clear that this interest and sinking fund is not to be taken into account in calculating the reductions under Clause I. Thus if a tenant agrees to purchase at a 40 per cent. reduction, or at a 30 per cent., or even a 10 per cent., the annuity rate on the cost of the improvements will have to be added to the annuity rate on the landlords' price. When this is done the Reserve Fund will be recouped by the National Debt Commissioners out of the enhancement of the price of the improved estates. This seems to be a roundabout way of arranging the matter. Why should not the Improvement Fund for an estate be got out of Stock? If that were done the Reserve Fund would be free for other purposes. We should at once have an Irish fund approaching a quarter of a million available, for example, for the settlement of the evicted tenants.

CLAUSE XL.

With Clause XL. we reach the part of the Bill which provides for the capitalisation of the tenants' annuities and their redemption. Clause XL. reads as follows:—

As regards advances under the Land Purchase Acts in pursuance of agreements entered into after the passing of this Act—

- (1) There shall, save as in this section provided, be paid in respect of every advance an annual sum, of which seven-eighths shall be a purchase annuity and one-eighth shall be a perpetual rentcharge.
- (2) The advance shall be treated as consisting of two portions, of which one shall be of such amount that the purchase annuity will be at the rate of three pounds five shillings for every hundred pounds thereof, and so in proportion for any less sum, and of which the other shall be of such amount that the perpetual rentcharge will be at the rate of two pounds fifteen shillings for every hundred pounds thereof, and so in proportion for any lesser sum:
- (3) The purchase annuity shall be paid until the whole of that portion of the advance in respect of which it is payable is ascertained, in manner prescribed by the Treasury, to have been repaid:
- (4) Provided that where the vendor of an estate obtains an advance in respect of any parcel of land which he re-purchases, or where an advance is made to trustees for the purpose of purchasing a parcel of land as in this Act provided, the whole advance shall be repaid by means of a purchase annuity calculated at the rate of three pounds five shillings for every hundred pounds of the advance, and so in proportion for any less sum:
- (5) The Land Commission shall have the like powers of collecting and recovering the annual sums payable in respect of purchase annuities and perpetual rentcharges under this Act, as they have under the Land Purchase Acts of recovering and collecting purchase annuities under those Acts, and Section 20 of the Act of 1887, with such modifications as may be prescribed, shall apply.
- (6) The powers for the apportionment or consolidation of annuities, or the discharge of a portion of a holding from liability in respect of an annuity, conferred by the Land Purchase Acts, shall extend to perpetual rentcharges:
- (7) Section 25 of the Act of 1896, relating to the mode of calculating purchase annuities, shall not apply.

Sub-Sections 1 and 2 define the rent-charge and settle its destination. Seven-eighths of the tenant's annual payment is to be treated as a redeemable purchase annuity; one-eighth is to be a perpetual rent-charge. If there was any doubt as to the impossibility of appropriating the rent-charge or any fraction thereof hereafter to Irish public purposes, it is removed by the provision which orders that the part of the purchase money advanced to the landlord

on the basis of the rent-charge shall be of such amount that the rent-charge will be "at the rate of two pounds fifteen shillings for every hundred pounds thereof." As two pounds fifteen shillings is to be the interest payable under the Bill as it stands on every hundred pounds advanced by the National Debt Commissioners to the Land Commission, and by the Land Commission to the landlords, save and except the bonus, the provision means that the landlords are to receive the whole present cash value of the perpetual rent-charge, and that the advance will remain a perpetual debt on the land of Ireland unless redeemed at its full value. We may, therefore, dismiss any consideration of the rent-charge as containing within it the germ of a contribution from the land to Irish national or local public purposes.

With regard to the secondary object ascribed to the rent-charge, that of providing against sub-letting, sub-division, and excessive mortgaging, it may be at once admitted that if there were a necessity to maintain the rent-charge for such purposes it would be a wise provision, though the measure of it would still be open to objection. That sub-letting ought to be prevented, that excessive sub-division and excessive mortgaging ought to be prevented, all are agreed. It should, however, not be forgotten that there is a sub-division and a mortgaging within limits to which no objection can be made, which may be even good in themselves. The sub-division that makes two sufficient farms out of one and gives Ireland two thriving homesteads instead of one, the sub-division that enables too small a farm to be supplemented by a slice from a larger farm, the mortgaging that may be necessary for improvement or to provide the money for higher farming or to bridge the gap of a bad year, are not unhealthy. If the supervision of the State is secured over these operations, enough is secured; and for the whole redemption period at least that supervision is secured without any reference whatever to the rent-charge. Clause XLIX. provides:—

(1) As between the Land Commission and the proprietor for the time being of any holding for the purchase of which the Land Commission have after the commencement of this Act made any advance under the Land Purchase Acts, the following conditions shall be imposed, that is to say:—

- (a) The holding shall not be sub-divided or let without the consent of the Land Commission, and if the proprietor sub-divides or lets the holding, or any part thereof, without such consent, the Land Commission may cause the holding to be sold:

(b) Where the title of the holding is divested from the proprietor by bankruptcy, the Land Commission may cause the holding to be sold:

(c) Where on the decease of the proprietor the holding would, by reason of any devise, bequest, intestacy, or otherwise, become sub-divided or vested in more than one person, the Land Commission may require the holding to be sold within twelve months after the death of the proprietor to some one person, and if default is made in so selling the holding, the Land Commission may cause the holding to be sold:

Provided that the Land Commission, instead of requiring or causing a holding to be sold, may, in the prescribed manner and on the prescribed request by persons interested, nominate some person interested in the holding to be the proprietor of the holding, and provide for the satisfaction of the claims of other persons interested, including any creditors of the deceased, by charging them upon the holding or otherwise.

(2) The proprietor of the holding shall not, without the consent of the Land Commission, mortgage or charge the holding or any part thereof for any sum exceeding ten times the rateable value of the holding or part, and every instrument of mortgage or charge on a holding for any larger sum shall be null and void as to the excess.

(3) Every instrument of mortgage or charge on a holding shall be registered under the Local Registration of Title (Ireland) Act, 1891, as a burden affecting that holding, and if not so registered shall be null and void.

(4) Subsections 2 and 3 of Section 30 of the Act of 1881, as amended by any enactment, shall apply to proceedings under this section. Here surely every danger, existing or imagined, of the kind suggested is amply guarded against. And it may be presumed that it will not pass the wit of the legal advisers of the Irish State sixty-eight years hence to render these safeguards permanent if they should be regarded as unnecessary when the occasion arises. The rent-charge, therefore, has no function, present or future, but that of increasing the advance that may be given to the landlords even beyond the limits of the sum provided by an annuity redeemable in the estimated 68½ years.

We say estimated 68½ years, for it will be observed from Sub-Section 3 of Clause XL that the term is left indefinite. The purchase annuity is to continue payable "until the whole of that portion of the advance in respect of which it is payable is ascertained, in manner prescribed by the Treasury, to have been repaid." It ought to be possible to fix a definite period for the termination of the annuity, and not leave it absolutely to the British creditor to say when the Irish debtor stands clear of the Treasury books.

That the rent-charge is solely for the advantage of the landlord, and not for the advantage of the State, is made perfectly clear

by Sub-Section 4. If any class in Ireland needed to be saved from out-running the constable, mortgaging and sub-letting, it surely is the ordinary class of Irish landlords. Yet Sub-Section 4 provides that no rent-charge shall lie on the lands that they may sell and repurchase from the Land Commission. Their annuity is all to be terminable, and none of it is reserved to protect the landlord purchaser against himself or to assist the Irish State in the future. Why should the tenant-purchaser be treated differently? Why should the land that he buys from the Land Commission be subject to a perpetual rent-charge, and the land that the landlord buys not be so subject? The sufficient reason is that the money is for the advantage of the landlord, and that there is no object to be served by imposing on the landlord a charge of which he himself is the recipient. It would merely be taking the money out of one of his pockets to put it into another.

Sub-Section 7 disposes of the decadal reduction system provided by the Act of 1896. If the financial basis of the Bill is to remain what it is, if the redemption annuity is not to be considerably increased, the abolition of the system is a necessary consequence. The redemption rate named would provide a reduction of only 5 per cent. every ten years, and to get that reduction under the Bill the redemption period would have to be increased to 98½ years. An annuity lasting 98½ years is, in its present value, just as heavy an impost as an annuity lasting for ever. Such an extension of the term would imply a system of redemption that could not be described as Land Purchase at all.

CLAUSE XLI.

Clause XLI is a useful clause, and its principle might be extended. It is as follows:—

(1) Every purchase annuity under this Act, or any part thereof at any time outstanding, may be redeemed in whole or in part by the person liable to pay that annuity by payment to the Land Commission of the difference between the accumulated sinking fund and the sum sufficient (after payment of interest to date) to purchase the requisite amount of stock, such amount to be determined in accordance with rules made by the Treasury

(2) Where a purchase annuity or any part thereof is redeemed the National Debt Commissioners shall, in manner prescribed by the Treasury, cancel the aforesaid amount of the stock.

The first sub-section enables the tenant purchaser, if he ever becomes possessed of the money needed to clear his holding of the terminable part of the purchase annuity, to do so. Why should he not also be enabled to

add to the redemption rate, or clear a part of the outstanding annuity, even though he has not the money to clear the whole of it? If some system could be devised under which, by paying an odd pound or the price of a pig into the local post office, he could knock a few years off the redemption period and bring the day of his emancipation nearer, it would encourage thrift and stimulate the desire for ownership and the devotion to industry which such desire, with a nearer prospect of realisation, would cause. The arrangement of such a system ought not to be beyond the capacity of the Government experts. No doubt the maximum reduction is so small that the chance of a tenant purchaser having any surplus profits for such a purpose is not a highly probable one. But the American letter and the devotion to the old homestead are not extinct yet. And if the contents of the letter were to go to the clearing of the old home, and not to the landlord's mortgagee, they would not lighten in the future.

CLAUSE XLII.

Clause XLII. establishes the Bonus, or Land Purchase Aid Fund:

(1). There shall be established, as part of the Irish Land Purchase Fund, a fund to be called the "Land Purchase Aid Fund," and there shall, in each financial year, be paid out of that fund to the Land Commission such sums as the Treasury, on the request of the Land Commission, may sanction, provided that the total of the sums so paid shall not exceed twelve million pounds.

(2). The sums required for the Land Purchase Aid Fund shall be raised by the issue of guaranteed two and three quarter per cent. stock, as by this Act provided, and a sum sufficient to pay the dividends on the amount of stock issued for the purposes of this section, together with ten shillings per cent. per annum by way of sinking fund, shall be paid in each year to the Irish Land Purchase Fund out of money provided by Parliament.

Sub-section 1 raises the question, why only Twelve Millions? If a fair price only is to be extracted from the tenants, and the landlords are to get the average price assigned under the Bill, at least five years' purchase will be necessary, or Twenty Millions, the amount that Mr. John Morley indicated. The money can be given without loss to the British Exchequer or increase of Irish taxes if the policy of economy promised by Mr. Wyndham is persevered with. Twenty Millions would enable the whole transaction to be carried through on a real economic basis. It would really give a final settlement of the Irish Land Question. The advance, even under the rates provided in the Bill, would involve an expenditure of only

£650,000 a year, or less than the sum provided to finance the Local Government Act. £600,000 could easily be saved on the cost of the judiciary, prosecutions, and other law charges. It would be as easy to save £650,000 as £390,000, or rather that retrenchment on the waste of Irish misgovernment is as much demanded as the smaller economy.

Moreover, Sub-Section 2 raises the question why the Bonus is to be raised by Irish Land Stock instead of by Consols? It is not an advance on the security of Irish Land and Local Funds; it is an advance on money to be provided by Parliamentary Vote, as the money borrowed for building ships, and barracks, and naval stations is provided for. Were it advanced at $2\frac{1}{2}$ per cent. with $\frac{1}{2}$ per cent. sinking fund, the £390,000 a year provided would provide Thirteen Millions, not Twelve Millions; and £600,000 a year would suffice to provide Twenty Millions. There is no question that the money can be had out of the pool of Dublin Castle waste. It ought to be provided, and we trust landlords and tenants will unite to secure the raising of the Bonus to the figure required to make the Bill a safe one for the Irish peasant of to-day and the Irish State of the future.

CLAUSE XLIII.

Clause XLIII. arranges the allocation of the Bonus Fund. It provides:

(1) For the purpose of aiding the sale of estates under this Act, and making contributions towards the expenses incidental to the redemption of superior and intervening interests, the investigation of titles, the distribution of purchase money and other like matters, the Land Commission may, in the prescribed manner and at the prescribed time, out of advance by the National Debt Commissioners from the said fund, pay to the vendor of each estate sold a percentage determined according to the scale set forth in the First Schedule of this Act.

(2) In estimating the amount of the purchase money on which the percentage is to be payable, the price of any land resold to the vendor of an estate shall be excluded.

(3) After the expiration of five years from the commencement of this Act, and thereafter at each quinquennial period, the Treasury may revise the scale of percentages for the purpose of adjusting the relation between the unexpended balance of the fund and the claims which may be made upon it, and in such case the revised scale shall apply to all agreements for the purpose of estates entered into after the date of its publication.

(4) This section shall not apply to any estate sold by the Land Judge where either a receiver has been appointed over the estate, or the estate is so circumstanced that it would, independently of the Act of 1896, be sold without the consent of the owner as to price.

It has been argued by Lord Dunraven that

the purposes for which part of the money is to be applied under the first Sub-Section cannot be reckoned as a bonus. But they are heads of expenditure that have hitherto been paid out of the current purchase prices in the Land Commission Court; and the payment of them is as real an addition to the price as if three years' purchase had been added.

Sub-section 3 provides for a quinquennial revision of the bonus percentages. It ought really to provide a limit of time beyond which the bonus will be no longer available. The landlords ought not to be encouraged to stretch out the process of purchase for another generation. A definite time limit ought to be fixed at which the "compulsion by inducement" experiment will cease. Ireland and England ought to know, at least before the beginning of the third judicial term, where they stand in this matter of Land Purchase.

Sub-Section 4 denies to the landlord who is in the Encumbered Estates Court any advantage from the bonus. One effect of this will be to force the Land Judge to exercise all his powers to compel the tenants to buy at the maximum prices under Clause I. Like the other parts of the Bill affecting the tenants on encumbered estates, this Sub-Section ought to be re-considered.

Clauses 44 and 45 call for no criticism. They relieve from fees and stamp duties the registration of titles and the vesting orders involved in the purchases under the Bill.

CLAUSES XLVI. AND XLVII.

Clause 40 is important in its bearing on the future income of vendors under the Bill. It has been alleged that vendors will find it impossible to find investments yielding more than 3 or 3½ per cent. for the trustee funds, where the land is held under settlement. The new Clause provides:—

(1) Where any land purchased by means of an advance under the Land Purchase Acts is settled land within the meaning of the Settled Land Acts, 1882 to 1890, the trustees of the settlement may, notwithstanding anything contained in the settlement, on the request of the tenant for life, and without the consent of any other person, invest the purchase money or any part thereof not only in any investment in which trustees are by any Act authorised to invest trust funds, but also in any investment authorised by the rule making authority under section sixty-one of the Judicature (Ireland) Act, 1877, as amended by any enactment.

(2) That authority shall cause to be published from time to time in the "Dublin Gazette" a list of such investments as may for the time

being be authorised by them for the investment of purchase money under this section.

(3) A trustee shall not incur any liability by reason of any investment made in pursuance of the powers conferred by this section.

The Clause will extend very widely the field of investment. As has been recently shown in the Freeman's Journal, the amount of Trustee and Chancery Stock already existing from which the yield is 3½ per cent. or more is over £141,000,000. Stocks of a similar character amounting to over £210,000,000 are also in existence. If the powers conferred by the Clause are judiciously exercised, there will be an ample field for investing the Trust and other funds at 3½ per cent. and over. It should be remembered in this connection that the whole £90,000,000, which is the estimated cost of the purchase transactions under the Bill, will not be available for investment. The mortgages must first be cleared, and they amount to a very considerable fraction of the total of the purchase money. One estimate places them at no less than £60,000,000. There is, therefore, no necessity to accept the estimates of the vendors' future income, based upon rates of 3 or 3½ per cent. interest on purchase money. There is an ample field for investment at higher rates.

The operations of the Clause will be further facilitated by the creation under Clause 47 of a Public Trustee, who may act as the trustee of any settlement under the Settled Land Acts in the case of land purchased under the Bill, and may be appointed in substitution for the trustees of any such settlement where they refuse to invest the purchase money in any of the Securities authorised by the authority defined in Clause 46, or where they ask to be relieved of their trust. Only one provision of the Clause is open to exception: Sub-Clause 14 provides that "Rules may be made by the Land Commission with the approval of the Lord Lieutenant for the purpose of carrying this section into effect, and for regulating the exercise of the powers and duties of the Public Trustee, and in particular may provide that the Trustee shall, on the request of any person proposing to sell an estate, give an estimate of the probable financial effect of such sale." This is a startlingly novel function for a Government official to undertake; and it is obvious that it would depend upon the views and estimates of the Public Trustee whether landowners would be encouraged or discouraged in the use of the Act. It ought to be within the competency of the ordinary advisers of the owner to supply a fairly accurate estimate of the kind, having regard to the new

powers conferred on trustees by the preceding Clause. It is inadvisable that such a duty should be delegated to the Public Trustee; and if such reports are to be made by him they ought to be made available for the guidance of purchasers as well as of vendors.

CLAUSE XLVII.

Clause 48 is another useful Clause. It limits the amount of money that may be advanced for the purchase of any holding where the tenancy has been created since the 1st of March, 1903, to £500, or in exceptional cases to £1,000. This will prevent the sale of ranches to the eleven-months' men, which was one of the dangers in the path of the Congested Districts Board. The second section of the Clause limits the advance in the case of tenancies created by "any Court or Judge," and should be an effectual check on similar transactions in the Land Judges' Court. The only question that arises is, whether March 1st, 1903, is not too near a date for the retrospective action of the first part of the Clause. The introduction of last year's Bill, and the continued promise of a better Bill this year, may have led to the creation of such tenancies before the 1st of March, 1903. The Clause might well be extended so as to apply to tenancies created within two years before the passing of the Act. Care should be taken, of course, to except tenancies created by the restoration of evicted tenants to their holdings.

CLAUSE XLIX.

In considering the question of the Rentcharge we dealt at length with Clause 49, which prohibits sub-division, sub-letting, and mortgaging beyond ten times the rateable value on "any holding for the purchase of which the Land Commission have, after the commencement of this Act, made any advance under the Land Purchase Acts."

We then pointed out that there was no time limitation on the operation of the Clause, and expressed the opinion that the objects of the Clause might be secured whether there was a Rentcharge or not. In the recent debate on the Second Reading of the Bill several of the eminent lawyers who took part in the debate expressed the same opinion. The Rentcharge, therefore, may be considered wholly apart from the purposes aimed at in Clause 49. It has no connection with them; and its purpose in the Bill is merely to provide an additional half-year's purchase for the landlord without increasing the annuity. It may, therefore, be abolished without touching the principles of the Bill, and its total abolition

rather than the retention of a nominal sum is to be desired. A nominal Rentcharge, if of a monetary character, would invite some British Chancellor of the Exchequer in the future to saddle the new proprietors with a special Land Tax. Such a risk under the existing system of Government should not be lightly taken. The disappearance of the Rentcharge will involve the modification of Clause 50, which provides:—

"Where a holding subject to a perpetual Rentcharge under this Act is put up for sale, whether by or at the instance of the Land Commission or at the suit of an incumbrancer, the holding shall be sold, discharged from all claims or incumbrances, other than the purchase annuity (if any) and the perpetual Rentcharge, of all persons whomsoever who are interested in the holding, and all such claims shall as from the date of the sale cease as against the holding and attach to the purchase money in like manner as immediately before the date of the sale they attached to the holding."

The provision may be made to apply either to holdings subject to a purchase annuity, or if it be thought desirable, as in the case of Clause 49, to all holdings for the purchase of which an allowance has been made by the Land Commission.

CLAUSE LI.

Clause 51 deserves consideration. It is as follows:—

(1) The Commissioner of Valuation and Boundary Surveyor shall—

- (a) furnish the Land Commission with such maps as they may require; and
- (b) so soon as he is aware of the sub-division or letting of a holding charged with an annual sum payable in respect of an advance under the Land Purchase Acts, give information to the Land Commission in the prescribed manner of such letting or sub-division.

(2) When any collector of poor rates becomes aware of any sub-division or letting of any such holding he shall, as soon as may be, give information thereof to the Commissioner of Valuation and Boundary Surveyor.

(3) The district registrar of births and deaths shall, so soon as he is aware of the death of any person who was at the time of his death the proprietor of any such holding, situate in whole or in part within his district, give information to the Land Commission in the prescribed manner of such death.

(4) Every district registrar and collector of poor rates who fails to comply with the requirements of this section shall be liable on summary conviction to a fine not exceeding ten pounds.

(5) The Lord Lieutenant may make rules for carrying into effect the objects of this section, and those rules while in force shall have effect as if enacted in this Act.

It is a rather questionable provision to place the duty of giving the information here pre-

scribed on the district registrar of births and deaths. How is the district registrar to know who is a tenant purchaser under the Act? The present officers may have an opportunity of acquiring the information from common report, but how are their successors to ascertain the title of the farmers around them? Surely the Probate Court officers might more naturally be charged with this duty.

CLAUSE LII.

Clause 52 regulates the liability for the interest on purchase money advanced in the case of purchases in the Land Judges' Court. It contains one sub-section foreign to its direct purpose. Sub-Section 4 runs:—"Where an offer of the Land Judge for the sale of a holding to the tenant thereof is accepted, not more than one year's arrears of rent shall be recoverable from that tenant." This provision is objectionable. The tenant-purchaser ought to be started free of any burden save his purchase annuity. When he buys his holding he ought to get the arrears of rent upon it as any other purchaser would. He will be giving the mortgagees more than they could obtain from any other purchaser, and all the owner's claims on the holding would have to be transferred to the ordinary buyer. The purchasing tenant should not be placed in a less disadvantageous position.

CLAUSE LIII.

The next Clause demands careful consideration. It appears to be designed to fortify the position of Judge Ross in dealing with the Land Commission. Hitherto when a conflict of authority between them has arisen, it has been due to the efforts of the Land Judge to extract from the purchasing tenant a price beyond what the Land Commission thought the holding security for. Clause 53 is designed to give the Land Judge forcing powers in such disagreements. It reads:—

(1) The report mentioned in paragraph (a) of Sub-section 1 of Section 40 of the Act of 1896 shall be made by one Commissioner, instead of two Commissioners, and where the Land Judge refers such report to the Land Commission for reconsideration the same shall be reconsidered by three Commissioners, who shall have power to confirm or vary the same, or to make a new report, but save as provided by this section the terms and conditions contained in the report shall not be varied without the consent of the Land Judge.

(2) Paragraph (b) of Sub-section 1 of said section 40 shall not, unless the Land Judge so directs, apply in the case of a person in occupation under a letting made by the Land Judge or Receiver Judge of a holding comprising a demesne or land suitable for building sites in the neighbourhood of a town or village.

(3) Where the Land Commission report that they cannot sanction advances in respect of three-fourths in number and rateable value of the holdings on an estate, the Land Judge may, if he thinks fit, make an order declaring that the provisions of the said Section 40 shall not apply to that estate, and that section shall thereupon cease to apply.

The first paragraph, it will be seen, practically sets aside the authority of the Estates Commission, save where it is invoked by the Land Judge. A single Estate Commissioner is to report on the offer of estates in the Judge's Court. The report will then be considered by the Land Judge, and if he is satisfied, the majority of the Estates Commissioners will have no power to intervene, even if they disapprove the report of their colleague. This is an unsatisfactory change in the law. No single Commissioner should be empowered to issue a report as from the Land Commission. It should be approved by at least a majority of the Estates Commissioners. The Clause would enable Mr. Commissioner Wrench and Judge Ross to arrange the price of all the encumbered estates, without Mr. Commissioner Bailey or Mr. Commissioner Finucane having any voice in the transaction. In view of the history of the Land Judge's Court, that is a most undesirable position to create. The third Sub-Section is quite as objectionable. Its phraseology is ambiguous. What is meant by the condition "Where the Land Commission report that they cannot sanction advances"? What "advances"? "Advances" demanded by the Land Judge? There is no estate of which the Land Commission could not sanction "advances" for which the holdings would be security. Their inability to report could only arise where the advance exceeded the ability of the tenants to pay. But if their inability to make the "advances" in such cases is to have the effect of empowering Judge Ross to repeal Section 40 of the Land Act of 1896, the block in the Landed Estates Court will continue in *saecula saeculorum*. It must be remembered that no bonus additions are to be made to the price of the estates sold by order of the Land Judge. The result must be to induce the Land Judge to put on the screw on the tenant for the benefit of the various interests; and Clause 53 weakens the small protection provided in the Bill against improvident or exorbitant bargains. It demands close attention from those charged with the amendment of the Bill.

CLAUSES LIV. TO LXIV.

Clauses 54 to 64 deal chiefly with the question of the redemption of superior interests.

and do not involve any matters of great importance to the tenant-purchasers. The only point that arises for question is, whether the Commissioners of Woods and Forests are the proper authority to apportion the quit rent upon or amongst the lands out of which it is payable. As the Commissioners when a question of law arises must refer the matter to the Land Commission, the apportionment might also be left to the Commission, which, of course, is the proper authority to determine the relative value of the lands upon which the liability exists.

CLAUSE LXV.

Clause 65 brings us to Part II. of the Bill—that which deals with the question of the congested districts. These clauses have been already subjected to much general criticism as a whole. Their main defect is, as has been pointed out, that they confer no compulsory powers for the acquisition of the lands required for migration. It has also been urged that they are defective, inasmuch as they contain no provisions for strengthening the Congested Districts Board, or giving it a representative character. But there is a further preliminary question that merits consideration—namely, whether an unofficial Board of the kind, meeting only occasionally, and possessing no judicial authority to deal with the question of purchase, and acting merely as intermediaries between the occupiers and the Land Commission, can ever be a really effective authority for dealing with land transfer and migration. At present it discharges two functions of a widely different character. It is an industrial department, and a land department without judicial powers. The funds that it possesses are not even sufficient for the proper fulfilment of its functions as an industrial department. Yet they are subject to all the liabilities involved in its land purchase and land transfer transactions, while these are also guaranteed by the general credit fund available for purchase. Thus Clause 65 provides:—

(1). The sums required by the Congested Districts Board for advances for the purchase of land shall be paid to them, out of advances made by the National Debt Commissioners to the Land Commission under this Act, and all payments so made shall be deemed to be advances made to the Land Commission for the purposes of the Land Purchase Acts, and shall be treated accordingly.

(2). Until the Congested Districts Board have disposed of the land so purchased by them to purchasers under the Land Purchase Acts, interest shall be paid by the Board to the Land Commission at the rate of two and three quarters per cent. on all sums so advanced and for the time being outstanding, in

such amounts and at such times as may be prescribed: provided that if after the expiration of seven years any land so purchased has not been disposed of, payments on account of sinking fund, at the rate of ten shillings per cent. per annum, shall be made by the Board to the Commission. All such interest and sinking fund payments shall be a charge on and paid out of the annual income of the Board.

(3). Regulations made by the Treasury may provide that where the Congested Districts Board have expended money on the improvement of an estate, and in consequence have sold parcels of that estate at an enhanced price to tenants or others, the National Debt Commissioners may advance to the Land Commission, for repayment to the Congested Districts Board, such sums as represent the increase of price consequent on the improvements.

Here the transactions of the Board as a land purchase department are brought within the ordinary category of transactions under the Land Purchase Acts. Clause 66 further provides that “for the purposes of the Guarantee Fund, a congested districts county shall cease to be separated from the county in which it is geographically situate, and the local grants under the accounts headed ‘Model Schools and National Schools’ shall form part of the contingent portion of that fund throughout the whole administrative county, and the interest on the Church Surplus Grant shall cease to form part of that fund in any electoral division of the county.” Yet while the General Guarantee Fund under the Land Purchase Acts is thus made the basis of the credit of the Congested Districts Board, “the interest and sinking fund payments” on land held by the Board is made a first charge on the “annual income of the Board” under sub-section 2 of Clause 65. It might easily happen that this liability would reduce the industrial operations of the Board to naught or seriously hamper them. Why, when there is being established a permanent authority of judicial character, dealing with the very same questions of land improvement and redistribution, possessed of ample funds, and entitled to hold lands up to the value of £5,000,000, should the most serious and important problem of redistribution be thrown upon this weaker Board, with its meetings once a month or so, and its hands already full of the vital questions of industrial development? It is as if the Agricultural Department were made the general authority under the Land Purchase Acts and arrears of annuities made a first charge on its revenues. Apart, therefore, from any question of compulsory powers or constitution, there is the further preliminary question whether such a Board as

the Congested Districts Board can ever really be a competent authority for the carrying out of a general scheme of land transfer and redistribution in the Congested Districts. No doubt, it has some competent officials in its service. These, however, cannot overcome the inherent disability of the Board itself. Why should they not be made available for the Estates Commissioners in attacking the whole question of Congested Districts and Congested Estates throughout the entire country? The Congested Districts should have the direct service of the strongest authority in dealing with the land problem of the West, and the funds for their industrial development should be the very last upon which any liability should fall. At present the money is less than a single Technical Education authority in Lancashire devotes annually to Technical Education. How can the Board develop the fisheries, improve agriculture, create cottage industries, and assist the solution of the transit and marketing problems in these remote areas, and yet bear the liability of purchase? It may have been well to devolve the experimental trial of the work upon a Board so constituted and funds so charged with liability. But if the work is to be carried beyond the stage of experiment, a more authoritative authority and another source of credit must be used.

CLAUSES LXVII. TO LXIX.

Clause 67 limits the amount of land that may be vested in the Congested Districts Board at any one time to a capital value not exceeding thirty times the Church Surplus Grant. Why, since the Congested Districts county ceases to be separate from the county in which it is geographically situate should its funds be involved in the credit at all? Clause 68 is useful, as it enables the Congested Districts Board to sell parcels of land that it may not require to small tenants outside the special area with which it deals. Of course, if the Estates Commissioners were the authority within the congested districts the restriction would have no existence. Clause 69 deals with the resale of lands by the Congested Districts Board to the landlord within the congested districts. It is as follows:—

Where a parcel of an estate purchased by the Congested Districts Board is re-sold to the vendor, an advance under the Land Purchase Acts may be made to him, not exceeding in any case one-third of the purchase money of the estate, or twenty thousand pounds, whichever is the less.

The Clause extends to the landlords of the Congested Districts the benefits of Clause 3 of the general provisions. But it ought to be subject in its operation to the condition that

the parcel of the estate so resold does not include either evicted farms or lands needed for migration. Nor should the Church Fund revenue of the Board be subject to any liability in respect to such resales, if it is still to be involved as a guarantee fund for the congested districts. It has been suggested that the advance should be limited to £10,000; but the limitation might restrict sale in the case of vendors in some instances, and if a general condition such as is here suggested was imposed the object of the limitation would be achieved.

CLAUSES LXX. TO LXXV.

Clause 70 places the Congested Districts Board in the same position as the Land Commission in respect to purchases in the Encumbered Estates Court; and Clause 71 extends the powers respecting turbary in the first part of the Bill to the Board. Clause 72 deals with one of the complications involved in the existence of two authorities side by side, but of unequal powers, and concerned with land purchase. Before the Congested Districts Board can buy, it must first ascertain from the Land Commission whether the person offering the estate may be dealt with as the owner. The Clause provides:—

(1). The Congested Districts Board may enter into agreements for the purchase of land from any person who may be certified by the Estates Commissioners to be a person who may be dealt with as the owner of the land in accordance with the provisions of Part One of this Act or otherwise, and those Commissioners shall, in such manner as may be prescribed by rules to be made by the Lord Lieutenant, prepare all such agreements and make orders consequential thereon vesting land in the trustees of the Congested Districts Board.

(2). Where a vesting order is made in pursuance of this section the purchase money shall be distributed by the Land Commission in like manner as if it were the purchase money of land vested in the Commission, and all the provisions of Part One of this Act with respect to the distribution of the purchase money of land so vested shall apply accordingly.

The Clause illustrates that multiplication of references which under the dual authority must work to the delay of all such transactions. The next Clause, however, emancipates the Congested Districts Board from supervision in, perhaps, the most important of its functions as a Land Department. It provides that "where an application is made to the Land Commission for an advance under the Land Purchase Acts, to a person purchasing any land from the Congested Districts Board, and that Board certify that the land is in their opinion sufficient security for the repayment of the ad-

vance, the Land Commission shall sanction the advance." This means, of course, that inspection is practically abolished in the case of the sale of estates within the Congested Districts. The question arises whether the Congested Districts Board is an authority of a kind whose certificate of security should be sufficient in the case of Land Purchase. Its members, save, perhaps, Mr. Wrench, do not claim to be experts; and the actual meaning of the Clause is that Mr. Wrench is to be the sole supervisor of prices on estates within the Congested Districts. We are not believers in Mr. Wrench's infallibility; and we doubt whether the doctrine is even accepted by his colleagues on the Congested Districts Board. Criticism of Clause 74 is contained in what has been already said regarding the liabilities imposed on the ordinary revenues of the Board. It extends the liability for all default on estates purchased by the Board to the revenue from the Church Surplus Grant:—

If at any time the arrears of any purchase annuity or perpetual rentcharge, payable in respect of an advance, sanctioned in pursuance of a certificate of the Congested Districts Board, are declared by the Land Commission to be irrecoverable, that Board shall pay, out of the interest on the Church Surplus Grant, to the Land Purchase Account, the amount of those arrears.

Again it may be asked, seeing that the General Guarantee Fund is available, why should the necessary revenues of the Board for development purposes be placed in the forefront? With Clause 75, which amends and extends Clause one of the Congested Districts Board Act, 1901, this part of the Bill concludes. The Clauses as a whole do nothing for the Congested Districts but increase the value of land that may be held by the Board to thirty times the income from the Church Surplus Grant, and abolish inspection of estates purchased by the Board. They are totally inadequate as a solution of the Congested Districts problem.

CLAUSE LXXVI.

Some of the most serious defects of the Land Bill are inherent in its character as a sort of omnibus amendment Bill. It not only proposes to establish a new system of Land Purchase and to further provide for the Congested Districts, but provides for a radical change in the administration of the Land Law Acts, and pretends also to the character of a Labourers Dwellings Amendment Bill. Part III. embodies the Clauses affecting the Land Court. There is scarcely a Clause in this part of the Bill that does not bristle with objectionable

proposals. Clause 76 embodies several. It provides:—

(1) The Lord Chancellor may nominate any Judge of the High Court, other than the Lord Chief Justice and the Master of the Rolls, to act, for the time specified by him, as an additional Judicial Commissioner of the Land Commission for the purpose of hearing appeals under the Land Law Acts, and the Judge so nominated shall, during that time, have the same jurisdiction as the Judicial Commissioner appointed under the Act of 1881.

(2) A Judge of the High Court appointed before the first day of January one thousand nine hundred and two shall not without his own consent be nominated under this section.

(3) Each of the Land Commissioners appointed under the Act of 1881 and holding office at the date of the passing of this Act, other than the Judicial Commissioner appointed before the passing of this Act, shall be entitled to a superannuation allowance, calculated, on a salary of two thousand five hundred pounds, and otherwise in accordance with the provisions of the Superannuation Acts, 1834 to 1887.

(4) The Honourable Gerald Fitzgerald, one of the Land Commissioners, shall, for the purposes of the Land Law Acts and Land Purchase Acts, but not further or otherwise, in addition to his existing powers, have all the jurisdiction and powers of a Judicial Commissioner, with the same rank and tenure of office as if he had, at the commencement of this Act, been appointed a Judicial Commissioner under the Act of 1881.

The design in Sub-Section 1 to provide work for some of the idle Judges of the High Court would be commendable if it did not involve the further weighting of the Land Commission against the tenant. There is scarcely an existing Judge of the High Court who has not been engaged in the political struggle on the landlords' side to prevent the principles of the Land Law being enacted by Parliament. One has only to recall the names of those to whom the Clause applies to realise the force of this objection. While to devolve upon the Lord Chancellor the right of constituting the Commission would be to give an Irish landlord the supreme authority in the matter. The Sub-Section may be commendable in the economic aim that underlies it; but there is only one fair way to get rid of the cost of administering the Land Law, and that is by abolishing the relation of the landlord and tenant. If the Land Purchase Clauses are made equitable and operative, economy on the cost of Land Law Administration will follow naturally without any interference with the system of administration. If they are not to be made equitable, and if the tenants have, as a consequence, to rely perforce on their rights as judicial tenants, none of the guarantees provided by the existing system of administration can be abandoned.

This Sub-Section must be either unnecessary or noxious, therefore.

How lightly the cause of public economy is regarded when personal questions enter into consideration is shown by Sub-Section 3. To appreciate this Section properly a brief history of the provisions of the existing Acts regulating the salaries and pensions of the Land Commission may be given. The Land Act of 1881 appointed two Commissioners at salaries of £3,000 without any rights to pension. The Land Purchase Act of 1885 added two Land Purchase Commissioners at salaries of £2,000 without any right to pension. The Act of 1891 made the Land Commission perpetual, and provided for the amalgamation of the Rent and Purchase Commissioners after June, 1893, when their duties and jurisdiction were to be the same. All the Commissioners were expressly excluded by Section 28, Sub-Section 3 of that Act from pension rights, their salaries being £3,000 for the two Rent Commissioners and £2,000 for the two Purchase Commissioners. In 1892 another Act was passed, which provided that after the amalgamation of the Rent and Purchase Commissioners, which was to take place in June, 1893, each Purchase Commissioner should have a salary of £3,000 without pension, all the four Commissioners being thus placed on an equality. An option was given the Purchase Commissioners of choosing within two months after the passing of the Act, between the salary of £3,000 without pension, or £2,500 with a pension. Mr. Lynch opted for the smaller salary with a pension. Mr. MacCarthy selected the larger payment without a pension. Mr. Wrench has been a Commissioner since 1887. He has enjoyed the full salary of £3,000 a year without the right to pension since. Now the Land Bill proposes that he and Mr. Commissioner Fitzgerald shall not only have the profits of the larger salary, but shall be given pension rights calculated on a salary of £2,500 a year for the full term of their service. Mr. Lynch, an old Civil Servant, must regret the folly that led him to opt for £2,500 a year. His two brother Commissioners, who have pocketed the extra £500 a year given in lieu of pensions through all these years, have had their confidence in the jobbing propensities of the Irish Administration justified by the event.

Nor is that the whole story. The Bill confines the pension to the Land Commissioners appointed under the Act of 1881. These are Mr. Fitzgerald and Mr. Wrench. Mr. Lynch is secured by the Act of 1892 and his own modest option. There remains the fourth Com-

missioner, Mr. Murrough O'Brien. The treatment of this gentleman by the Treasury and the authors of the Bill will stand as a perpetual warning to all officials whom it may concern, of the dangers of sympathy with the cause of justice to the people of Ireland. Mr. O'Brien was appointed Commissioner in 1892, after the death of Mr. Commissioner M'Carthy. The salary of the latter at the date of his death was, as we have seen, £3,000 a year. The Act of 1892 fixed the salary for all the Commissioners at £3,000 a year, or £2,500 for the Purchase Commissioners with pension rights. As the two months fixed for the option between the big salary and the smaller had elapsed before Mr. O'Brien's appointment, he could not elect for a pension. Moreover, the party of economy was in power, and Mr. O'Brien was given a salary of only £2,000 a year, notwithstanding the Act of 1892, which came into operation seven months after his appointment. Clause 76 is now deliberately drawn to exclude from all pension rights the Commissioner whose salary the Treasury, notwithstanding the Act of 1892, cut down by a thousand a year; and this is done in the case of a man who was neither a land agent nor a lawyer working for private interests during the better part of his career, but of one who has been in the public service for thirty-three years. Nobody can read the story without understanding the meaning. Mr. Murrough O'Brien is the only Nationalist member of the Land Commission. He is now being punished and penalised for the fact.

Nor can the indictment of the Clause be ended here. The 4th sub-section elevates Mr. Gerald FitzGerald above his brother Commissioners, whose status and functions were made identical with his by the Land Act of 1891. We have to look to the succeeding Clauses of the Bill to interpret the meaning of this manoeuvre. Mr. FitzGerald is now to be clothed with all the jurisdiction and powers of a Judicial Commissioner; and Sub-Section 2 of Clause 78 provides that henceforth "all appeals under Section 47 of the Act of 1881, and all re-hearings in pursuance of requirements under Section 44 of the Act of 1881, shall be heard and determined by one Judicial Commissioner, with the assistance of one specially qualified lay assessor." The object is clear. The Hon. Gerald FitzGerald is to be made sole master of the fair-rent Acts. Mr. Justice Meredith will be engaged with the questions of law and other matters arising from the operations of the Estates Commissioners. The supreme rent-fixing authority will be the Hon. Gerald FitzGerald. The jurisdiction of Mr. Commissioners Lynch and

O'Brien is ousted. The confiscatory decisions of Mr. FitzGerald will no longer be exposed to the synchronous criticisms of Mr. Commissioner O'Brien; and the one great obstacle to an administration of the Act of 1881 in compliance with the landlord clamour to stop reductions of rent in order to force up prices under the Land Purchase Act will be removed. Mr. O'Brien is left with nothing to do. The Estates Commissioners will deal with purchase; Clause 78 deprives him of his function as a fair-rent Commissioner. This part of the Bill might be described as the Anti-O'Brien part; if it had not another purpose. It is rather surprising that, while so many protests have been heard against Clause 17, Sub-Section 4 of Clause 76, which is a far more insidious manoeuvre against the rights of the judicial tenants should have escaped vehement denunciation.

CLAUSE LXXVII.

Clause 77 is another provision for cheapening Land Law administration by reducing the guarantees of a fair decision in the Land Courts. It provides:—

A Sub-Commission shall, for the purpose of hearing any application under the Land Law Acts, consist of one legal Assistant Commissioner and one lay Assistant Commissioner. This reduces the Sub-Commission valuation to the level of the Court of Appeal system, which has hitherto depended upon the idiosyncrasies of a single layman. But in the latter case there has been the preceding valuation of two Sub-Commissioners to warn him. Now one Sub-Commissioner is to have the fixing of the rents. The flagrant inconsistencies of the existing system will become more flagrant than ever.

CLAUSE LXXVIII.

One of the Sub-Sections of Clause 78 has already been dealt with, but it is not the only one that calls for criticism. The whole Clause is as follows:—

(1) Any person aggrieved by any order made, under the Land Law Acts, by one Commissioner, not being a Judicial Commissioner, or by a sub-commission, may appeal to the Land Commission, and that Commission may confirm, modify, or reverse such order.

(2) All appeals under section forty-seven of the Act of 1881 or under this section, and all re-hearings in pursuance of requisitions under section forty-four of the Act of 1881, shall be heard and determined by one Judicial Commissioner, with the assistance of one specially qualified lay assessor.

(3) No requisition for the re-hearing of a case under section forty-four of the Act of 1881 shall be made after the commencement of this Act.

(4) On the hearing of any appeal, notice of which is lodged after the commencement of this Act, evidence which was not produced in the court below shall be admitted on special grounds only, and not without special leave of the Judicial Commissioner.

(5) In the case of any appeal or re-hearing, where an issue of fact is raised which was raised before the court below, and the Judicial Commissioner is satisfied that the appellant did not produce before that court material evidence on that issue which was in his possession or within his procurement, he may order the appellant to pay the whole, or such portion as he may think fit, of the costs of the appeal or re-hearing.

(6) Rules under section fifty of the Act of 1881 may be made with respect to the proceedings under this section in appeals and re-hearings, and those rules shall, among other things, provide for an ad valorem scale of fees to be paid on notices of appeal.

The sinister significance of Sub-Section 2 has been explained. Sub-Section 3 deprives the tenant of all opportunity of correcting a mistake in the making of his application or hearing of his case, whatever may be the merits of his claim. While Sub-Section 4 shows the same contempt for the equities in the pretended interests of expedition. The whole Clause, with perhaps the exception of the first and last sub-section, will operate to the further hampering of a tenant in establishing his claim to justice.

CLAUSES LXXIX AND LXXX.

Clause 79 is intended to provide a supply of lay assessors to assist Mr. FitzGerald in his decisions. It provides:

General orders may be made by the Land Commission with the approval of the Lord Lieutenant and the Treasury, for the framing of lists of persons of skill and experience in agriculture to act as assessors under this Part of this Act, and for the ascertainment of their functions and remuneration, and every person for the time being named in any such list shall give his attendance according to general orders.

The assessors, it would seem, are to be casuals. They are no longer to possess the moderate independence of an official appointment, but are apparently to be employed by the job. As they will be drawn mainly from clients of the rent office, it is obvious that they must be influenced by the consideration of the effect their decisions as assessors may have upon the attitude of their patrons. Here again "the cheap and nasty" method of administering the Land Law is invoked at imminent peril to the interest of the occupiers.

The vices of this part of the Bill culminate in Clause 80:

(1) Where an application to fix a fair rent is pending at the commencement of this Act, or is thereafter served, in the case of a holding

subject to a judicial rent not exceeding five pounds, the Land Commission may dispose of the application upon the report, in the prescribed form, of one valuer to be appointed by them, and may make a conditional order fixing the fair rent pursuant to such report, and shall in such case record in the form of a schedule the matters prescribed in accordance with Section one of Act of 1896, and the schedule shall be authenticated by the signature of the registrar of the Land Commission.

(2) A copy of the conditional order and schedule shall be forwarded by the Land Commission to the parties, and cause against making such order absolute may be shown on the following grounds only—

(a) that the applicant is not entitled to have a fair rent fixed;

(b) that the conditional order is bad on the face of it; or

(c) that the rent has been varied more than twenty per cent. from the judicial rent previously payable.

(3) A cause shown on either of the two first-mentioned grounds shall be heard by a legal assistant commissioner sitting alone whose decision shall be final.

(4) A cause shown on the last-mentioned ground may be heard by a Commissioner sitting alone or by a sub-commission, and the order of the Commissioner, or of the sub-commission, as the case may be, shall be final.

(5) If notice of intention to show cause is not served within the prescribed time an order shall be made as of course making the conditional order absolute.

Here at one stroke the ordinary procedure is totally abolished in the case of the poorer tenants. No section of the tenantry of Ireland have received less justice from the Land Commission. But while their claims were heard in open Court there was the opportunity of attracting public opinion to the more glaring cases of injustice. Now they are to have no hearing in Court. All the questions affecting improvements are to be ignored and the tenant is to have no right of appeal, whatever the decision. The Clause affects one-third of the holdings of Ireland. But while the tenant's right to a hearing and right of appeal are abolished the landlord's is preserved where "the rent has been varied more than 20 per cent. from the judicial rent previously payable." The obvious effect of this Sub-Section will be to fix a maximum reduction in the case of second and third term rents. To evade appeals the valuer will, in the vast majority of instances, take care that the reduction shall be within the limit. Such a change needs no comment.

Part III. should be postponed. It cannot be adequately discussed in the time now available for the remaining stages of the Bill. Nor should the reconstruction of the Land Commission be undertaken until Parliament has had experience of the working of the Land Pur-

chase Clauses. Then a proper measure will be at hand to determine what economy is possible on the administration of the Land Laws. To legislate on the question of administration without experience, is mere legislation upon an expectancy that may never be realised. If the Land Purchase Clauses are successful, the co-operation of all parties may be anticipated in simplifying the Land Law procedure. That co-operation ought to be awaited, and this highly contentious part of the Bill reserved for a period when the contentious questions that it raises may settle themselves.

CLAUSES LXXXII. TO LXXXIV.

Clauses 82 to 84 deal with the amendment of the Labourers Acts. Clause 82 is the only clause of any importance. It gives a new definition of the person entitled to claim the benefits of the Labourers Acts. There at present a hundred and seventy thousand agricultural labourers in Ireland fully entitled to the advantages of the Acts. Only seventeen thousand of the hundred and seventy have been housed. It seems rather a work of supererogation at present to add another thirty or forty thousand to the hundred and fifty thousand already entitled, but with no advantage in their title. The problem is not one of a definition. It is a question of getting the existing Acts to work and removing the obstacles to their operation. The Bill does nothing in that direction. The proposal made by the Convention to enable some to purchase untenanted land on the estates that may fall into the hands of the Estates Commissioners is excellent as far as it goes. But it is pretty clear that an amending Act of a liberal character is needed for the labourers themselves, and that the way ought to be prepared for it by a careful examination of the hindrances that have prevented the existing Acts taking full effect.

APPENDICES.

APPENDIX A.

COMPARISON OF PRICES SINCE 1885 WITH PRICES NOW PROPOSED.

The following table shows (without reference to decadal reductions, which are not provided for in the new Bill) what a £100 tenant has paid hitherto, on the average, to his landlord, and what he has had to pay to the State to discharge the loan; also what a £100 tenant would have to pay, on the average, to the landlord and to the State respectively, on the terms proposed in the new Bill. If decadal reductions were brought into the calculation, the comparison would show the new system to be still more unfavourable to the tenant, because the reductions now amount to 14 per cent. in each of the first three periods of ten years, while they could not exceed about 5 per cent. on the terms of the Bill.

£100 OF RENT.

	Average Years' Purchase Paid to Landlord.	Amount Paid to Landlord. £	Rent Actually Redeemed. £	Years' Purchase of Rent Redeemed	Length of Term of Redem- ption. Years.	Annual Payment. £	Gross Total of Annual Payments. £
PRESENT SYSTEM	17	1,700	Full Rent of £100	17	42½	69	2,890
PROPOSED BILL.							
First-term Tenants (with no revision of rent for second term)	22	2,202	91½	24	68½	70	4,795
Second-Term Tenants, also Non-Judicial Ten- ants (with no revision of rent allowed to the latter)	25½	2,517	90	28	68½	80	5,480

It is thus seen that a £100 tenant, under the present purchase system, has bought his farm on the average for 17 years' purchase, has redeemed the whole rent for £1,700, and is liable to pay the State £2,890 in the redemption term of 42½ years. Under the new Bill the first term tenant would have to pay on the average to his landlord £2,202, or 22 years' purchase of the unrevised first-term rent; he would be allowed to redeem only £91½ of the £100 rent, at a cost to him of 24 years' purchase, and he would be liable to pay to the State £4,795 in a redemption term of 68½ years.

The second-term tenant, and the non-judicial tenant (who gets no revision of his rent), would have to pay, on the average, to the landlord 25½ years' purchase, or £2,517; would redeem only £90 of his rent, which will cost him 28 years' purchase, and would have to pay the State £5,480 in a redemption term of 68½ years. After the expiration of the term of redemption the first-term tenant in the average case would have to pay the State £8 15s a year, and the second-term tenant and non-judicial tenant £10 a year, without any limit of time.

The purchaser under the present system has nothing to pay after 42½ years, unless he chooses to avail himself of the decadal reductions by which his annuity is reduced by 14 per cent. at the end of each of the first three periods of ten years, and the term of redemption is extended to 72½ years. Under the new Bill there are no decadal reductions, but yet the term of redemption is 68½ years, practically as long as 72 years, the term under the present law, with decadal reductions of more than one-third of the annuity allowed.

APPENDIX B.

REPORT OF THE IRISH LAND CONFERENCE.

UNANIMOUS CONCLUSION.

The Suggested Terms of Settlement.

The fifth meeting of the Land Conference was held on Saturday, and lasted for about two hours.

All the members were present except the Earl of Dunraven and Mr. John Redmond, M.P., but telephonic communication with the former at Adare Manor was kept up during the meeting. Mr. Redmond telegraphed his regret at being unable to be present.

The Report of the Conference was signed by all the members, and was ordered to be forwarded to the Lord Lieutenant and the Chief Secretary, and to be published in this morning's papers.

It was resolved that the Conference should not be dissolved.

On the motion of Mr. William O'Brien, M.P., seconded by Colonel Nugent Everard, the following resolution was unanimously adopted—

"That we cordially thank the Earl of Dunraven for the ability and courtesy with which he presided over our deliberations, and continued to give us the advantage of his counsel during his illness; and we beg to offer him our congratulations upon the result of the labours of the Conference."

On the motion of the Earl of Mayo, seconded by Colonel Hutchinson Poe, a vote of thanks was passed to the Lord Mayor for placing the Mansion House at the disposal of the Conference.

The following is the Report of the Irish Land Conference:—

Whereas it is expedient that the land question in Ireland be settled so far as it is practicable and without delay;

And whereas the existing position of the land question is adverse to the improvement of the soil of Ireland, leads to unending controversies and lawsuits between owners and occupiers, retards progress in the country, and constitutes a grave danger to the State;

And whereas an opportunity of settling once for all the differences between owners and occupiers in Ireland is very desirable;

And whereas such settlement can only be effected upon a basis mutually satisfactory to the owners and occupiers of the land;

And whereas certain representatives of owners and occupiers have been desirous of endeavouring to find such basis, and for that purpose have met in conference together;

And whereas certain particulars of agreement have been formulated, discussed, and passed at the Conference, and it is desirable that the same should be put into writing and submitted to his Majesty's Government,

After consideration and discussion of various schemes submitted to the Conference we are agreed:—

I. That the only satisfactory settlement of the land question is to be effected by the sub-

stitution of an occupying proprietary in lieu of the existing system of dual ownership.

II. That the process of direct interference by the State in purchase and resale is in general tedious and unsatisfactory; and that, therefore, except in cases where at least half the occupiers or the owners so desire, and except in districts included in the operations of the Congested Districts Board, the settlement should be made between owner and occupier subject to the necessary investigation by the State as to title, rental, and security.

III. That it is desirable in the interests of Ireland that the present owners of land should not as a result of any settlement be expatriated, or, having received payment for their land, should find no object for remaining in Ireland, and that, as the effect of a far-reaching settlement must necessarily be to cause the sale of tenancies throughout the whole of Ireland, inducements should, wherever practicable, be afforded to selling owners to continue to reside in that country.

IV. That for the purpose of obtaining such a result, an equitable price ought to be paid to the owners, which should be based upon income.

Income, as it appears to us, is second term rents—including all rents fixed subsequent to the passing of the Act of 1896—or their fair equivalent.

V. That the purchase price should be based upon income as indicated above, and should be either the assurance by the State of such income, or the payment of a capital sum producing such income at 3 per cent., or at 3½ per cent., if guaranteed by the State, or if the existing powers of trustees be sufficiently enlarged.

Costs of collection where such exist, not exceeding 10 per cent., are not included for the purpose of these paragraphs in the word "income."

VI. That such income or capital sum should be obtainable by the owners:

(a) Without the requirement of capital outlay upon their part, such as would be involved by charges for proving title to sell. Six years' possession, as proposed in the Bill brought forward in the session of 1902, appears to us a satisfactory method of dealing with the matter.

(b) Without the requirement of outlay, to prove title to receive the purchase money.

(c) Without unreasonable delay.

(d) Without loss of income pending re-investment.

(e) And without leaving portion of the capital sum as a guarantee deposit.

VII. That as a necessary inducement to selling owners to continue to reside in Ireland, the provision of the Bill introduced by the Chief Secretary for Ireland in the session of 1902 with regard to the purchase of mansion houses, demesne lands, and home farms by the State and re-sale by it to the owners ought to be extended.

VIII. We suggest that in certain cases it would be to the advantage of the State as ensuring more adequate security, and also an advantage to owners in such cases, if upon the purchase by the State of the mansion house

and demesne land and resale to the owner, the house and demesne land should not be considered a security to the mortgagees.

IX. That owners wishing to sell portions of grazing land in their own hands for the purpose of enlarging neighbouring tenancies, should be entitled to make an agreement with the tenants, and that in the event of proposed purchase by the tenants such grazing land may be considered as part of the tenancies for the purpose of purchase.

X. That, in addition to the income, or capital sum producing the income, the sum due for rent from the last rent day till the date of the agreement for purchase and the hanging gale should be paid by the State to the owner.

XI. That all liabilities by the owner which run with the land, such as head rents, quit rents, and tithe rent charge, should be redeemed, and the capital sum paid for such redemption deducted from the purchase money payable to the owner. Provided always that the price of redemption should be calculated on a basis not higher, as regards annual value, than is used in calculating the purchase price of the estate. In any special cases where it may have to be calculated upon a different basis the owner should not suffer thereby. Owners liable to drainage charges should be entitled to redeem same upon equitable terms, having regard to the varying rates of interest at which such loans were made.

XII. That the amount of the purchase money payable by the tenants should be extended over a series of years, and be at such a rate, in respect of principal and interest, as will at once secure a reduction of not less than 15 per cent. or more than 25 per cent. on second term rents or their fair equivalent, with further periodical reductions as under existing Land Purchase Acts until such time as the Treasury is satisfied that the loan has been repaid. This may involve some assistance from the State beyond the use of its credit, which, under circumstances hereinafter mentioned, we consider may reasonably be granted. Facilities should be provided for the redemption at any time of the purchase money or part thereof by payment of the capital or any part thereof.

XIII. That the hanging gale, where such custom exists, should be included in the loan and paid off in the instalments to be paid by the purchasing occupier, and should not be a debt immediately recoverable from the occupier, but the amount of rent ordinarily payable for the period between the date when the last payment fell due and the date of agreement for sale should be payable as part of the first instalment.

XIV. That counties wholly or partly under the operations of the Congested Districts Board, or other districts of a similar character (as defined by the Congested Districts Board Acts and by section 4, clause 1, of Mr. Wyndham's Land Purchase Amendment Bill of last session) will require separate and exceptional treatment with a view to the better distribution of the population and of the land, as well as for the acceleration and extension of these projects for migration and enlargement of holdings which the Congested Districts Board, as

at present constituted, and with its limited powers, has hitherto found it impossible to carry out upon an adequate scale.

XV. That any project for the solution of the Irish Land Question should be accompanied by a settlement of the evicted tenants' question upon an equitable basis.

XVI. That sporting and riparian rights should remain as they are, subject to any provisions of existing Land Purchase Acts.

XVII. That the failure to enforce the Labourers Acts in certain portions of the country constitutes a serious grievance, and that in districts where, in the opinion of the Local Government Board, sufficient accommodation has not been made for the housing of the labouring classes, power should be given to the Local Government Board, in conjunction with the local authorities, to acquire sites for houses and allotments.

XVIII. That the principle of restriction upon sub-letting might be extended to such control as may be practicable over resales of purchaser's interest and mortgages, with a view to maintaining unimpaired the value of the State's security for outstanding instalments on loans.

And whereas we are agreed that no settlement can give peace and contentment to Ireland, or afford reasonable and fair opportunity for the development of the resources of the country, which fails to satisfy the just claims of both owners and occupiers:

And whereas such settlement can only be effected by the assistance of the State, which, as a principle, has been employed in former years:

And whereas it appears to us that, for the healing of differences and the welfare of the country, such assistance should be given, and can be given, and can effect a settlement without either undue cost to the Treasury or appreciable risk with regard to the money advanced, we are of opinion that any reasonable differences arising between the sum advanced by the State, and ultimately repaid to it, may be justified by the following considerations:—

That for the future welfare of Ireland, and for the smooth working of any measure dealing with the transfer of land, it is necessary—

1st. That the occupiers should be started on their new career as owners on a fair and favourable basis, ensuring reasonable chances of success, and that in view of the responsibilities to be assumed by them they should receive some inducement to purchase.

2nd. That the owners should receive some recognition of the facts that selling may involve sacrifice of sentiment, that they have already suffered heavily by the operation of the Land Acts, and that they should receive some inducement to sell.

3rd. That for the benefit of the whole community it is of the greatest importance that income derived from sale of property in Ireland should continue to be expended in Ireland.

And we further submit that, as a legitimate set off against any demand upon the State, it must be borne in mind that, upon the settlement of the Land Question in Ireland, the cost of administration of the law and the

cost of the Royal Irish Constabulary would be materially and permanently lessened.

We do not, at the present time, desire to offer further recommendations upon the subject of finance, which must necessarily be regulated by the approval of the Government to the principles of the proposals above formulated, except that, in our opinion, the principles of reduction of the sinking fund in the event of loss to the State by an increase of the value of money should be extended by the inclusion of the principle of increase of the sinking fund upon the purchasers in the event of gain to the State by decrease in the value of money.

Inasmuch as one of the main conditions of success in reference to any land purchase scheme must be prompt application and the avoidance of those protracted investigations and legal delays which have hitherto clogged all legislative measures for settling the relations between landlords and tenants, we deem it of great importance that no protracted period of time should ensue before a settlement based upon the above-mentioned principles is effected; that the executive machinery should be effective, competent, and speedy, and that investigations conducted by it should not entail cost upon owner or occupier; and, as a further inducement to despatch, we suggest that any State aid, apart from loans which may be required for carrying out a scheme of land purchase as herein proposed, should be limited to transactions initiated within five years after the passing of the Act.

We wish to put on record our belief that an unexampled opportunity is at the present moment afforded His Majesty's Government of effecting a reorganisation of classes in Ireland upon terms which, as we believe, involve no permanent increase of Imperial expenditure in Ireland; and that there would be found on all sides an earnest desire to co-operate with the Government in securing the success of a Land Purchase Bill, which, by effectively and rapidly carrying out the principles above indicated, would bring peace and prosperity to the country.

Signed at the Mansion House, Dublin, this 3rd day of January, 1903.

DUNRAVEN (Chairman)	JOHN REDMOND
MAYO	WM. O'BRIEN
W. H. HUTCHESON	T. W. RUSSELL
POE	T. C. HARRINGTON
NUGENT	T. EVERARD

APPENDIX C.

RESOLUTION OF NATIONAL CONVENTION.

AMENDMENTS TO THE LAND BILL.

The Convention requests the United Irish Parliamentary Party to prepare amendments under the following heads, which the Convention regards as in a special manner necessary for the purpose of satisfying the legitimate

claims of Ireland and completely accomplishing the objects of the Bill:—

THE EVICTED TENANTS.

1. Removal of the limit of advance under Clause 2 to evicted tenants so as to ensure that all evicted tenants, or their representatives, without regard to the valuation of their holdings, shall be admitted to the benefits of the clause, together with additional powers to the Estates Commissioners to effect friendly arrangements in the case of persons in occupation of evicted farms, and to make advances to reinstate tenants for the purpose of re-building their houses and re-stocking their holdings.

THE BONUS.

2. An increase in the Land Purchase Aid Fund of sufficient amount to facilitate agreements between landlords and tenants, and prevent the possibility of improvident purchases. And that all additions made to the Special Aid Fund, from whatever source, shall be employed solely to lessening the number of years' purchase that tenants shall have to pay for their holdings under this Act.

THE LIMITS OF REDUCTION.

3. Omission of the maximum limit of reductions obtainable by the tenants in bargaining with the landlords, and an increase of the minimum limit to 15 per cent. for second term tenants and 25 per cent. for first term tenants.

FUTURE TENANTS.

4. Non-judicial occupiers, including future tenants and caretakers under the Act of 1887, to be placed in the same zone or category with respect to bargains of sale under Clause 1 as judicial tenants under first statutory rents; or, in the alternative, that they may be allowed to enter the Land Courts to fix fair rents.

ALLOCATION AND DISTRIBUTION OF THE BONUS.

5. Omission of the First Schedule with respect to assistance from the Land Purchase Aid Fund, and allocation of the fund instead in inverse ratio to the lowness of the purchase price agreed upon between the landlord and his tenants, or, in the alternative, a uniform bonus of 15 per cent. to all landlords coming to an agreement within five years.

THE PERPETUAL RENT-CHARGE.

6. Amendment of Clause 40, Section 1, with a view to abolishing the proposed perpetual rent-charge of one-eighth of the purchase money and the substitution of some technical reservation which will enable the State to prevent undue mortgaging or sub-division on all holdings of less than thirty acres.

DECADAL REDUCTIONS.

7. Option to tenants to accept the decadal system of reduction of purchase annuity.

FAIR RENTS RIGHTS.

8. Omission of Sections 1 and 2 of Clause 17, with a view to ensuring that there shall be no interference of any kind with the present rights of tenants under the Acts of 1881 and 1837 to have fair rents fixed in case of failure of agreement for sale between landlord and tenant.

THE LABOURERS.

9. Inclusion of labourers among the classes

for whom lands can be provided under Clause 2, and a wider definition of a congested estate, so as to include an estate in any rural district where labourers are certified to be without suitable homes and allotments. Estates Commissioners to be empowered to treat labourers in all such rural districts on the same footing as if residing in congested counties. All unexpended balances of grants under the Labourers Acts in Unions where no scheme under these Acts has been adopted to be transferred to the credit of Unions in other counties, which shall within six months undertake additional schemes for providing the labourers with houses and acre allotments.

10. That the clauses dealing with the Labourers Acts are unsatisfactory and require amendment (1st) in a provision which will make the administration of the Acts compulsory where, on the usual applications of labourers, and after due inspection by the recognised sanitary officials, existing labourers' cottages are found to be unfit for the purposes of decent domestic life; and that this object can be attained by the appointment of a Labour Commissioner invested with compulsory powers to make and carry through improvement schemes under the Acts in all rural districts where the Acts have been wholly or partially inoperative, or where, on due inquiry, it is found that improved housing accommodation is required and the Rural Council has declined or neglected to proceed for more than two years after representations have been lodged; and (2nd) where, as in Clause 23 of the Bill, power is given to local trustees to acquire land, turrens, and plantations for protection or other purposes; words to be added to this clause which shall specifically empower county and other local municipal councils to purchase and to hold land for development or reclamation, and for allotments or other industrial purposes for the use of labourers and other workers willing and qualified to use such land as a means of livelihood.

11. That the powers of Rural and Urban Councils should be largely extended to render less costly and more effective all proceedings for the proper housing of the working classes and the procurement of allotments where advisable, and that the law should be amended to enable tenants of workingmen's houses in town and country to purchase under fair terms.

THE CONGESTED DISTRICTS.

12. Addition of representatives of County Councils in Congested Districts Counties to the Congested Districts Board, and extension of their powers over the entire province of Connaught, and the Counties of Cork, Kerry, Limerick, Clare, and Donegal, as recommended by the Land Conference. And in order that the Congested Districts Board may be able to carry on its work unhampered by the difficulties which at present obstruct it, the right of pre-emption in connection with the sale of land in congested districts be given to the Congested Districts Board.

13. Power to County Councils to make presentments as to congested areas and grazing lands available for enlargement of holdings of land settlement; and in case of sanction by

the Congested Districts Board power to the latter body to obtain possession of the necessary lands by a Provisional Order.

14. Investigation of all grazing tenancies in congested districts counties created since the passing of the Congested Districts Act of 1891, and annulment of such as may be found to have been created with a view of defeating the purposes of that Act.

15. No advance to be made in congested districts counties other than for residential holdings or holdings within a radius of one mile from the occupier's residence, provided the latter are not a portion of a grazing ranch on which people in congested districts could have their existing holdings enlarged or have new holdings created.

16. Provision that untenanted lands shall not remain on hands of Congested Districts Board for a longer period than two years from the date of purchase to resale; that the costs of improvements carried out by the Board other than advances for the building of houses and the purchase of stock shall not be added to the purchase money of tenants on re-sale; that no fines shall be exacted from persons chosen as occupants of new buildings; and that in addition to the increased income of £20,000 a year provided by the Bill, £40,000 a year of the present income of the Board shall be set apart to meet the expenses of migration and resettlement or enlargement of holdings on it.

17. Restriction of the advances to owners of estates for the re-purchase of mansion and home farms under Clause 3 to an aggregate amount not exceeding £10,000 in congested districts counties. No lands other than those at present in the owner's occupation or worked by the purchaser to be included in the re-purchase.

LIMIT OF TIME.

18. State aid other than loans under the Bill to be limited to transactions initiated within five years after the passing of the Act.

TOWN PARKS.

19. That the prohibition against the purchase of land known as Town Parks, or land used for farming purposes within urban areas, contained in Clause IX, shall not obtain where a Borough Council, Urban, District Council, or other municipal body may require any or all such land for municipal purposes; and that an amendment to this effect be moved by the Irish Party, which will secure to all Irish municipal authorities facilities for acquiring such land when required under the provisions of this Bill.

THE PURCHASE OF DEMESNES.

20. That the sum of £20,000, which can be advanced to any landlord for the sale of his mansion and home farm to himself is an extravagant allowance, seeing that the annual income of the Congested Districts Board is only to be augmented by a sum equal to a single landlord's perquisite in this respect; be it therefore resolved that the maximum sum to be loaned to a landlord for this purpose shall not exceed £10,000; that no sum shall be advanced for the sale of mansions or demesne lands except where a landlord has previously, or concurrently sold the whole of his estate, less such demesne lands, to his tenants; that

no sum shall be loaned for this purpose to any absentee or non-resident landowner; and that no land which has been rented as grazing land, on the eleven months' or other system, during any part of the five years preceding the enactment of this Bill, shall be added to home or demesne lands for the purposes contemplated in the provisions made for advancing money to landowners for the sale and re-purchase of home farms.

HOMESTEAD LAW.

21. That the principle of a Homestead Law be introduced into the Bill, so as to safeguard, as far as possible, the homes of our peasantry from the results of improvident money-borrowing, and the operations of the land-grabbers and land-jobbers.

RIPARIAN RIGHTS.

22. Clause 12, Section 1—In all cases under this section there shall act in conjunction with the Commissioners at least the Chairman of the Council for the county in which such case arises, and the rights referred to under this section shall be disposed of for the benefit of the country or district.

SPORTING OR MINERAL RIGHTS.

23. That the clause affecting sporting and mineral rights be expunged from the Bill.

THE PURCHASE OF LARGE FARMS.

24. That the limit named in the Bill for advances to individual tenants be increased, so that large tillage farmers, giving considerable permanent employment to labourers, may share in the advantages of purchase of their holdings.

APPENDIX D.

LAND CONFERENCE COMMITTEE.

At a meeting of the Land Conference Committee, held at the Royal Hibernian Hotel, the Earl of Dunraven being in the chair, and the following present:—

The Earl of Mayo, the Earl of Donoughmore, Sir Kildare Burrowes, Bart.; Colonel W. Hutchinson Poe, Colonel Nugent T. Everard, L. Talbot Cresbie, M. V. Blacker-Douglas, Walter Kavanagh, Captain Loftus Bryan, Colonel William Kemmis, A. More O'Ferrall, William O'Reilly, James O'Grady Delmege, Captain Shawe-Taylor, George F. Trench, Thos. Tighe, Anthony Parker, and James Butler-Levers; the secretary, Ambrose Lane, Esq.

The following resolutions dealing with the main features of the Bill were adopted. Further resolutions dealing with the Bill (more especially the Congested Districts Clauses) were left for the future consideration of the Subcommittee:—

1. "While recognising in the Bill a large and statesmanlike effect to solve the land question in Ireland, we regret that it falls short in some important particulars of the requirements laid down in the Land Conference Report; and we give it as an instruction to our Subcommittee to urge such amendments as may bring the Bill into accordance with that Report, bearing in mind the main conditions—namely, that a peasant proprietary should be established on such a basis as will ensure

a reasonable chance of success, and that landowners should be bought out on such terms as will induce them to continue to reside and spend their incomes in Ireland."

2. "We consider it necessary that landlords should receive such a capital sum as invested at $\frac{3}{4}$ per cent. will yield a return equal to second-term rents or their fair equivalent, less cost of collection, where such exist, but not exceeding 10 per cent."

3. "We consider that the grant-in-aid should be distributed at a uniform rate of not less than 15 per cent. upon all transactions initiated by landlords within a period of five years after the passing of the Act."

4. "We consider that selling landlords should be relieved of all legal expenses incidental to proving title of sale of land, and to receipt of purchase money, other than expenses due to their own wilful neglect."

5. "As uncertainty as to the immediate future will tend more than anything else to prevent sales, and as landlords will be liable to pay all charges upon the estate pending the distribution of the purchase money, we consider that they should receive at least $\frac{3}{4}$ per cent. on the purchase price until the purchase money is paid over."

6. "We consider that sums derived from economies effected in the administration of Ireland should be set aside and invested for the purpose of providing periodical reduction of the instalments payable by tenants purchasing under the Act, provided that such sums are not required to make good deficiencies arising from non-payment of instalments."

7 "While recognising that sales and purchase should not be impeded by the unreasonable action of small minorities, we consider that Clause 17 of the Bill involves compulsion upon tenants to an unwarrantable extent."

8. "We consider that the power of the Estates Commissioners to extend the limit to £5,000 should be enlarged; and, in the case of tenancies above the limit, that advances should be allowed up to the extent of the limit, with the consent of the landlord, and that the financial provisions of the Bill should be proportionately increased."

9. "We consider that the limits in Clause 2, Sub-Clause 2, should be enlarged."

10. "That, whilst recognising the limits of reduction of rent within which Estates Commissioners must sanction agreements are necessary in order to avoid interminable delay, we consider that the Estates Commissioners should have power to sanction sales in exceptional cases outside those limits."

11. "We consider that, as an important national industry depends upon the due protection of the upper waters of rivers, fishing rights and riparian rights acquired by the Land Commission should be transferred to the Fishery Department of the Board of Agriculture and Technical Instruction."

12. "We consider that the provisions of the Bill in respect of mineral rights (including quarries and gravel), and in respect of turbary, require amendment."

13. "We consider that shooting rights acquired by the Land Commission should be transferred to local authorities to be utilised

as they think best, subject to a prior right on the part of selling owners to lease them on fair terms."

14. "We desire to impress upon his Majesty's Government that the Land Judges' Court, the Land Commission Court, the Local Registration of Titles Office, and the new Estates Commission will all be engaged with separate staffs in the investigation of title, and both economy and despatch would be insured by concentration."

APPENDIX E.

DECLARATION OF THE LAND- LORDS' CONFERENCE.

THE IRISH LAND BILL OF 1903.

The Land Bill introduced by Mr. G. Wyndham on 25th March, 1903, is by far the largest and most liberal measure ever offered to landlords and tenants by any Government in any country, and is based on entirely voluntary lines. It provides about 150 millions sterling for land purchase transactions (with ample securities for its repayment to the Imperial Exchequer); it fixes the interest thereon at the low rate of $2\frac{3}{4}$ per cent., and the sinking fund at 10s. per cent.; and it offers also a free grant-in-aid of 12 millions sterling, with further grants of public money towards the clearing of title and other expenses incidental to sales and purchases.

We have no hesitation in saying that Parliament would be well advised in passing this Bill, with reasonable amendments, as a great enabling measure. If it results in a widespread extension of land purchase transactions it will have accomplished its object at a moderate cost to the Imperial taxpayer. If it fails in that object, from any cause, the general taxpayer will not lose thereby, for the grant-in-aid and other public grants proposed by the Bill would, in that event, not be raised or expended.

It would, in our judgment, be premature at the present moment to express any decided opinion as to whether the Bill will result in giving a large impetus to land purchase operations. That will depend in a great measure on the line that may be taken by the tenants and their advisers. If they refuse to purchase, unless upon terms which would fix the purchase annuities at the outset at figures greatly below second term rents, the prices to vendors would thereby be fixed at rates which few vendors would be willing, or could afford, to accept, and further reductions of the annuities, decadal or otherwise, would manifestly be impossible. We are not, however, without hope that the funds and grants provided in the Bill may be found capable of being handled so as to bring both vendors and purchasers nearer together, upon the lines indicated in the proposals which we have quoted above from the Land Conference Report.

PRICES TO VENDORS AND PURCHASE ANNUITIES UNDER IRISH LAND BILL OF 1903.

The compound annuity in Clause 40 represents £3 3s. 9d. per cent. on the advance made to the tenant, viz:—

Seven-eighths of £100 at £3 5s 0d per cent.	£2 16 10½
One-eighth of £100 at £2 15s 0d per cent.	0 6 10½

Total £3 3 9

If the whole advance were made redeemable the annuity would be £3 5s. 0d. per cent.

The following tables show the prices which landlords might obtain (viz., the advance, plus the bonus) on certain percentages of second term rents (or "their fair equivalent") :—

ANNUITY AT £3 3s. 9d. PER CENT.									
Percentage of Rent Payable by Tenant after Purchase.	(1)	(2)	(3)	(4)	Money Value Col 3.	Amount of Col. (4) plus 5 per cent.	Number of years' Purchase in Col. (5).	Amount of Col. (4) Purchase plus 10 per Cent.	Number of years' Purchase in Col. (6).
£100	21.00	90	28.32	£2,832	£2,832	£2,873 12 0	23.73	£3,115 4 0	31.15
£100	85	26.86	22,686	£2,620 6 0	£2,620 6 0	£2,654 12 0	28.20	£2,934 12 0	29.54
£100	80	25.17	22,517	£2,642 10 0	£2,642 10 0	£2,676 14 0	26.42	£2,768 14 0	27.68
£100	75	23.60	22,360	£2,473 0 0	£2,473 0 0	£2,496 0 0	24.78	£2,596 0 0	25.96
£100	70	22.03	22,203	£2,313 3 0	£2,313 3 0	£2,243 6 0	23.13	£2,453 6 0	24.23
£100	65	20.50	22,050	£2,152 10 0	£2,152 10 0	£2,085 0 0	21.52	£2,255 0 0	22.55
£100	60	18.88	£1,888	£1,982 0 0	£1,982 0 0	£2,076 16 0	19.82	£2,076 16 0	20.76
ANNUITY AT £3 5s. PER CENT.									
£100	21.69	90	27.69	£2,769	£2,769	£2,807 9 0	29.07	£3,045 18 0	30.46
£100	85	26.15	22,615	£2,745 15 0	£2,745 15 0	£2,780 15 0	27.45	£2,976 15 0	28.75
£100	80	24.61	22,461	£2,584 1 0	£2,584 1 0	£2,617 12 0	25.84	£2,807 12 0	26.98
£100	75	23.08	22,308	£2,423 8 0	£2,423 8 0	£2,458 16 0	24.23	£2,558 16 0	25.38
£100	70	21.54	22,154	£2,261 14 0	£2,261 14 0	£2,296 8 0	22.61	£2,369 8 0	23.69
£100	65	20.00	22,000	£2,100 0 0	£2,100 0 0	£2,130 0 0	21.00	£2,130 0 0	22.00
£100	60	18.46	£1,846	£1,938 6 0	£1,938 6 0	£2,030 12 0	18.46	£2,030 12 0	20.30

RESOLUTIONS OF THE LAND- LORDS' CONVENTION, OCTO- BER, 1903.

The following three resolutions were submitted by the Executive Committee, and carried unanimously:—

1. "That it appears to the Convention desirable, at the present time, to set forth generally

no conditions on which they believe that the Irish Land Purchase Question could be effectively dealt with. They do so for the following reasons:—

- (1) That the Government has shown themselves unwilling to grant the landlords' claims to compensation (the justice of which the Convention still maintains) for the grave injuries inflicted on them by past legislation;
- (2) That the Government have refused to give effect to the chief recommendations of the Fry Commission;
- (3) That the Government have shown no favour to other suggested solutions, such as the fining-down of rents;
- (4) That the landlords who have not hitherto sold are, as a body, resolved not to part with their estates on terms under which, in addition to the loss already incurred, their present incomes would be substantially reduced;
- (5) That the Government have professed their readiness to deal with the Irish Land Question, and have twice announced a Land Purchase Bill in the Speech from the Throne.

CONDITIONS.

- (a) That the change—which is not of the landlords' seeking—should be carried through without expense and additional loss to them;
- (b) That to make this possible on terms acceptable to the tenants, the amount of the purchase instalment should be reduced from 4 per cent. to $3\frac{1}{4}$ per cent. or to such rate as would secure the maintenance of an annuity, decreasing by fixed amounts at fixed periods;
- (c) That the foregoing, and all privileges provided by Mr. Wyndham's present Bill in the cases of sales to Estates' Commissioners, should be extended to cases of sales by direct agreements between landlords and tenants;
- (d) That when a landlord and tenant have agreed upon a price, the amount should be advanced, provided the initial instalment does not exceed the rent;
- (e) That the sum of £10,000, in Clause 4 (2) (b) of the Chief Secretary's Bill should be increased to £20,000, and the limitation to one-fifth of the purchase money removed;
- (f) That the Acts should be administered, generally, in a spirit of encouragement to vendors.
- (g) That the interests of the present land agents should be fairly considered, as part of the expenses of carrying out the Acts.

II. That the Convention strongly urge that as the rent-fixing system competes with land purchase, it is advisable that provision should be made in any Bill dealing with purchase, whereby the onus would lie upon the person who goes into court after a date named to show what circumstances have arisen on account of which the rent should be varied.

III. That the Convention approve of the statement on the Irish land purchase question

adopted by their Executive Committee on 3rd October, 1902.

APPENDIX F.

RESOLUTIONS OF BISHOPS AND CLERGY.

BISHOPS OF CONNAUGHT.

At a meeting of the Bishops of the Province of Connaught, held at Tuam, on April 6th, the following resolution regarding the Land Bill was unanimously adopted:—

“Resolved—That whilst recognising the immense value of the Land Bill now before Parliament, and earnestly hoping that, in an amended form, it will become law, we desire to record our conviction that the proposals outlined in the Bill for dealing with the great question of congestion and the cultivation of the vast tracts of prairie land in the West of Ireland are quite inadequate; larger and more extensive powers should be conferred on the Congested Districts Board throughout the entire province, similar to the powers granted to the Crofters' Commission for Scotland; and above all no landlord should be enabled, with the public money, practically to purchase from himself any land outside his residential demesne, nor should any persons be allowed to purchase non-residential holdings, except on condition of making them residential, and the money granted for this purpose should not in any case exceed £1,000.

“We feel it our duty to declare that, if the Government will not take these or similar measures to deal with this great question in a thorough-going way, the Land Question will not be settled in the West; nor the tide of emigration be checked; nor can peace and contentment be restored until the grazing lands, taken from the people in the past, be given back to the men who are able and willing to work them, for the maintenance of themselves and their families.”

It was also resolved:—

“That copies of this resolution be sent to the Chief Secretary, the Under Secretary and Mr. John Redmond, M.P.”

Signed,

- ✠ JOHN HEALY,
Archbishop of Tuam (in the chair).
- ✠ FRANCIS JOS. MacCORMACK,
Bishop of Galway.
- ✠ JOHN LYSTER,
Bishop of Achonry.
- ✠ JOHN CONMY,
Bishop of Killala.
- ✠ JOHN CLANCY,
Bishop of Elphin.

RESOLUTIONS OF THE CLERGY OF KILDARE.

At a Clerical Conference held at Kildare on Monday, April 13th, the Most Reverend Doctor Foley, Bishop of Kildare and Leighlin, presiding, the following resolutions were adopted unanimously:—

1. That, whilst we regard the Land Bill of the Chief Secretary for Ireland as an able and earnest attempt to do away with the system of dual ownership in the land of the country—for which we consider him entitled to the thanks of ourselves and our people—we are convinced that the effect of fixing a maximum reduction and a minimum price, as provided by Clause 1, will be to make it impossible for large bodies of tenants to avail of the Act at all, thereby frustrating the avowed intentions of the authors of the Bill. We consider, therefore, that the maximum limit of reduction should be removable at the discretion of the Commissioners; and as this amendment would be in the interests of the tenants who stand most in need of relief, we think that in the interests of the landlords the minimum reduction might be also removable, especially as it would affect only those tenants who are in a position to make the best terms with their landlords—viz., the occupiers of superior land.

2. As it is plain from the introductory statement of the Chief Secretary that the bonus of £12,000,000 will be more than recouped to the Imperial Treasury, we are strongly of the opinion that the Bill ought to provide for a system of decadal reductions by raising the sinking fund from $\frac{1}{2}$ per cent. to at least $\frac{2}{3}$ per cent., the lowest figure at which it stood in previous Land Acts. To effect this the Government need do little more than reduce the interest on the purchase money to $2\frac{1}{2}$ per cent.

3. That however advisable it might be to secure for local purposes a perpetual rent-charge on farms above a certain valuation, we see no reason for its retention on farms which are barely able to sustain an average family "in frugal comfort." In any case, we cannot see how the tenant farmers can accept this provision of the Bill without surrendering some of the rights secured to them by the Act of '81.

4. That whilst we have read with pleasure the declaration of Sir A. MacDonnell with respect to the Evicted Tenants, we believe that no settlement of the Land Question will be regarded as a measure of appeasement for the whole country unless it contains some pro-

vision for dealing with these tenants on the lines recommended by the Mathew Commission.

5. That whilst we observe in the Land Bill numerous restrictions with respect to sub-letting and sub-division of farms, we are unable to find any provision which would prevent the accumulation of purchased farms in the hands of an individual; in other words, which would prevent the multiplication of large grazing farms in the future. As £5,000 is the largest sum of purchase money which can be advanced under the Bill to any one tenant purchaser, the spirit of the Bill would seem to require that the Commissioners should have power to prevent the sale of a purchased farm to any individual who already held purchased land valued at more than £300 a year.

APPENDIX G.

ULSTER FARMERS AND LABOURERS' UNION.

On Wednesday, April 15th, a Conference, under the auspices of the Ulster Farmers' and Labourers' Union, the compulsory purchase organisation, formed by Mr. T. W. Russell, was held in one of the halls of the Y.M.C.A. Buildings, Wellington-place, Belfast.

On the motion of Dr. Keightley, seconded by Mr. Wood, M.P.

Mr. Mitchell, M.P., took the chair.

Mr. Moorhead read the following report from the Executive Committee:—

"We beg to report that, in pursuance of the directions given to us, we have considered this Bill carefully. We find with regret that

COMPULSORY SALE

finds no place in the Bill. There are provisions in it which may be regarded as compulsory, but in every case these are directed against the tenant, so that while the Bill may be said to be to some extent a Compulsory Purchase Bill, it is in no sense a Compulsory Sale Bill. In considering the Bill as a whole from the point of view of the tenants, the first thing we look for is to find what would be the position of tenants purchasing under this Bill as compared with tenants who have purchased under existing Acts, and we are disappointed to find that in several most important respects purchasers under this Bill would find themselves in a very much worse position than tenants who have purchased under the existing Acts. We consider the essence of this or any other similar Bill, in so far as it affects the tenants, to be its

FINANCIAL PROVISIONS.

and particularly the rate or percentage of the annual payment on the purchase money. It is startling, therefore, to observe that whereas the Ashbourne Act expressly stated the percentage (4 per cent.) and the period for which it is payable, namely, 49 years, this Bill nowhere expressly states either the rate or the period.

The Ashbourne Act also provided that the sales were to be based in the natural manner upon an ascertained definite purchase money. This Bill, on the contrary, inverts the natural order and suggests that purchases should be made not by purchase money or years' purchase, but by percentages of reduction on rents. We cannot conceive that the method in this Bill of an inversion of the natural procedure under the Ashbourne Act was unintentional, and we can conceive no reason for the change other than to suggest to tenant purchasers that the one and only important thing for them to look to in purchasing their holdings is the immediate reduction which the purchase will give them without regard either to the total purchase money or the number of years' purchase. We are satisfied that the only reason for the inverted method to be found in the Bill is that it is intended by an artificial reduction of the rate of payment and a consequent fictitious increase in the apparent reduction in the total annual payment to inflate the price or number of years' purchase which the tenant may be induced to give. This artificial reduction of the rate of payment is obtained by reducing the 4 per cent. rate of the Ashbourne Act to the lowest possible limits. Of this 4 per cent., $2\frac{3}{4}$ per cent. was interest, and this, being the rate at which the Government can borrow, we may take as an irreducible minimum. The second element in the 4 per cent. rate was the provision for working expenses. This has been estimated at a quarter, or 5s. per cent., and the present Bill, by charging the working expenses upon the Equivalent Education Grant to this extent, unquestionably provides a concession, and, so far as we can find, the only substantial concession to the tenants in this Bill. The remaining element in the 4 per cent. of the Ashbourne Act which is reduced in this Bill is the sinking fund. This item is reduced from £1 per cent. in the Ashbourne Act to less than 10s. per cent. on the purchase price in the present Bill. We find a common misapprehension abroad that this reduction of the SINKING FUND

is a proportionate concession to the tenant, but it is obvious that the reduction is obtained only by a proportionate prolongation of the period for which the repayments are to be made, and also by making one-eighth of the annual payment a perpetual rent-charge, for which, therefore, no sinking fund is provided. We wish to emphasise the view that this is substantially no concession to the tenant. The sinking fund is the tenants' own money, accumulating in the hands of the Treasury or National Debt Commissioners at $2\frac{3}{4}$ per cent. until it accumulates to a sum sufficient to pay off the tenants' loan. A reduction, therefore, on the annual sum paid by the tenant into his own sinking fund for paying off his own debt is a reduction obtained at the tenant's own expense or out of his own pocket, as the tenant must in any event pay on until the total amount of the sinking fund has accumulated with interest to the total amount of advance to be redeemed. We are convinced that the principle involved in reducing the annual repayments by cutting down the ele-

ment of sinking fund to the lowest limit as in this Bill is financially unsound from the point of view of the tenants, as well as of all others concerned. It can only have the effect of producing an apparent or fictitious reduction, and thus inflating the price or number of years' purchase which the tenant may be induced to pay, but it involves the perhaps still greater objection that it precludes the possibility of giving the tenant anything in the nature of substantial

DECADAL REDUCTIONS

as provided in the Act of 1896, and we suggest that the total advance to the tenant should be redeemable, and that instead of terminable and perpetual annuities, as provided by this Bill, and which together during the terminable period are equal to £3 3s 6 2-3d per cent. of the total advance, repayment of the whole advance should commence at a rate of £5 15s, being the terms of the Ashbourne Act less $\frac{1}{4}$ per cent. provided under this Bill out of the Equivalent Education Grant. The sinking fund would thus be £1 per cent. and the term for the repayment annuity should commence as a term of 49 years as in the Ashbourne Act, with the option to the tenant of the decadal reductions as in Section 25 of the Act of 1896, thus preventing at the outset the inflation of the price and affording the tenant a subsequent reduction after the lapse of a number of years, when in all probability the conditions of agriculture will be such that a reduction will be indispensable. It must be borne in mind that no satisfactory system of land purchase is possible without a reasonable rate of sinking fund, and it is imperative that such sinking fund, should be of such amount as to admit of periodic or decadal reductions, which are impossible under the rate of sinking fund in this Bill. Coming to the details of the Bill, we find some of the provisions, in our judgment, so objectionable that we regard them as fatal, and that unless they are eliminated the Bill should be rejected as a whole, and the first of these is the

LIMITS OF MAXIMUM REDUCTION

under Clause 1. A maximum reduction means a minimum price. We can understand and approve of a maximum price on the ground that the price must afford a reasonable security for the advance, but a minimum price in a voluntary Bill is, in our judgment, indefensible on any principle whatever, except as a means of helping the landlord to an exorbitant price. No mere modification of this limit should be considered satisfactory. The limit should be wholly rejected. The second fatality is the retaining of a perpetual

RENT-CHARGE.

The reason assigned for it—to prevent sub-letting or sub-division—we deem wholly insufficient. The tenant, apart from any rent charge, is prohibited from sub-letting or sub-dividing so long as the purchase annuity continues. On the other hand, the retention of such a rent-charge would induce a want of mutuality as between a purchasing tenant and a landlord purchasing his demesne, and also another more objectionable want of mutuality as between tenants who have purchased under previous

Acts and tenants who may hereafter purchase. The

THIRD FATAL DEFECT

in the Bill in our judgment embraces all those provisions for interfering in any way with the operation of the rent-fixing sections of previous Acts of Parliament. For example, the provisions in section 17, preventing the tenants from taking or continuing proceedings for fixing fair rents. This section contains an element of compulsion against the tenant which will be noticed later on, but on this point we desire to state in the strongest words our objection to the form of compulsion—namely, by excluding the tenants from the right to have a fair rent fixed; and the second sub-section of this clause of the Act is, if possible, even more objectionable, by suspending all fair rent fixing for an indefinite period where the Land Judge has "issued a request" under section 40 of the Act of 1896, or where the Land Commission have "issued a request" to the Land Judge for particulars, or where the Land Commission have instituted "inquiries" respecting an estate with a view to purchase, which inquiries may in the end prove abortive. No language could be too strong to condemn this particular portion of the Bill. The same in our judgment applies to various other provisions in the Bill for reducing the lay element in the Chief Commission, and also in the Sub-Commission by substituting one lay Commissioner or Sub-Commissioner for the two as under existing Acts. The provisions of the

12th SECTION

we regard as containing a fourth fatal objection, which should be resisted to the utmost. That is the provision withholding from the tenants who may purchase their holdings not merely the sporting rights, but also the very important mining rights, which would prohibit the tenant even from quarrying stones upon his holding, or raising sand or gravel or making bricks even for the use of the holding. This section is a glaring instance of the want of mutuality of treatment already mentioned as existing in this Bill between landlord and tenant, as it provides that a landlord repurchasing his own demesne with the use of the public money from the Land Commission thereby acquires all sporting and mining rights, while the tenants purchasing in a similar way are to be wholly deprived of these rights, and the Land Commission is given power to sell them in the public market. This section, in addition to the absence of equal treatment between landlord and tenant, would introduce also an unequal treatment between purchasers under the Bill and purchasers under existing Acts of Parliament who have acquired the sole rights in these matters in their holdings as purchased, and would reproduce what is familiarly known as the "over-the-hedge argument." We think that such inequality should be wholly eliminated. All of these provisions we regard as to the last degree dangerous to the tenants, and therefore to be resisted to the utmost pending the introduction of a Bill for the final settlement of the land question on the lines of universal compulsory sale and purchase on fair terms. Apart from these four points, which, if retained, should,

in our judgment, be regarded as fatal to the measure, there are various other provisions, some of which we consider vital, while there are others of a minor character, and which we propose to deal with in the order of the Bill. The last paragraph of

SUB-SECTION 1 OF CLAUSE 1,

giving the Land Commission power to treat a rent fixed before 1896 as if fixed subsequent to 1896, should be deleted. The phrase in this section authorising sales to persons "other than the Land Commission" is ambiguous, and might include land syndicates; and we think that for it should be substituted the words "to tenants on the estate in respect of their holdings, or to the persons authorised to purchase under Section 2."

SECTION 5.

which authorises the Land Commission on the request of an owner to make inquiries into the circumstances of an estate with a view to the sale thereof, affords an opportunity which should be utilised to apply the principle of mutuality to the landlord in the matter of sale and purchase. In the Bill as it stands the landlord may put the Land Commission to very serious expense in estimating the value of the estate and offering a price which the landlord is under no obligation, direct or indirect, to accept. If an owner, having invited an investigation under this section by the Land Commission, were compelled to sell at the price when so ascertained, it would be an application of the principle of compulsion analogous to the compulsion contained in Section 17 as against the tenants in this same connection, when a majority of them on any estate are willing to purchase. In both instances compulsion should be applied. These two sections, 5 and 17, deal with two sides of the same transaction, and afford a clear instance of the inequality of treatment which the Bill proposes to mete out to the landlord and the tenant. So far as this is carried, that sub-section 4 of section 5 enables a bare majority of the tenants where the Lord Lieutenant dispenses with the conditions in sub-section 3, to place the remainder of the tenants under a penalty of exclusion from the Land Court. The true remedy obviously is not to make exclusion from the Land Court the form of penalty, but instead thereof to compel the minority of the tenants in such a case to purchase provided that the landlord making the request under section 5 shall also be subject to compulsion to sell at the price fixed by the Land Commission. The compulsion would then be mutual and equitable. These two sections as in the Bill substantially correspond to the very objectionable clause 36 in last year's Bill. The concluding words of

SECTION 9.

excluding from purchase by Land Commission estates "within the limits of a town," are ambiguous, and might lead to litigation and confusion, which would be avoided by introducing the word "wholly" so that the concluding words would read "which is wholly within the limits of a town." This section which provides for the "advances" for purchase being made in money and not in stock is perhaps the most important section in the whole Bill, not

excepting even the "bonus" section. The making of "advances" in stock and not money was a device in the Act of 1891 for giving the landlords a "bonus" which practically escaped public attention at the time. The public funds then stood at a large premium, and we understand the land stock issued at par to landlords in payment of purchase money was immediately saleable at £111 per £100 stock—in other words, this conferred on landlords a bonus of 11 per cent. But the public funds which then stood at a large premium, stand to-day at a large discount, the present price being now about £90 per £100 stock. The effect of this is that as the law at present stands with payment in stock compulsory and Consols at £90, the public Exchequer makes a profit of £10 out of every £100 of purchase money paid under the Land Purchase Acts. The Government's profit of £10 per cent. would at first fall on the landlords who would be paid in depreciated stock, but the landlord at once rolls the loss on the tenant by refusing to sell unless at such an increased price as will recoup the loss. This is not a mere matter of inference, but is the result of actual experience within our personal knowledge. Consequently, in order to remove the present dead-lock in land purchase transactions legislation dealing with this matter is an absolute necessity which provides that the redemption by a tenant of his advance otherwise than by the annual payment shall be by the provision of a "sum sufficient" to purchase an amount of stock equal to the balance of the redeemable part of his loan then unpaid—this also should be altered to payment in cash so as not to leave the amount contingent on the rise or fall in the market price of public funds.

THE BONUS.

provided under the Bill is popularly supposed to be a sum of 12 million pounds, whereas in fact that figure is only the limit which certain percentages of bonus are not to exceed in the aggregate. The method of varying the percentages from 5 to 15 seems to us not the best, and we suggest either that the percentage should be at a uniform average rate or vary not by the amount of total purchase money, but inversely, according to the number of years' purchase of the rents sold. And we are of opinion that the proposed limit of bonus, to be at all effectual, should be largely increased. In any case it should be noted that the average bonus of 10 per cent. limited in the aggregate to 12 millions is still less than that provided almost surreptitiously under the Act of 1891. The wording of Section 43 leaves the payment of bonus optional with the Land Commission. We think the word "may" should be changed to "shall," so as to make the bonus provision mandatory.

SUB-SECTION 2 OF SECTION 49,

rendering mortgages of holdings exceeding in amount ten times the rateable value of the holding void, raises an eminently debatable and doubtful question. Most of the questions arising out of Part 3 of the Bill have been already dealt with, particularly so far as they reduce the lay element in the Land Commission and Sub-Commissions.

SUB-SECTION 4 OF SECTION 78

seems to aim at preventing valuers being examined before the Chief Commission who were not examined before the Sub-Commission, and to this extent would be beneficial, but inasmuch as under the existing rules of the Land Commission the tenant has no means of anticipating what case the landlord may seek to make until the hearing before the Sub-Commission, he has only the opportunity on appeal of rebutting same by fresh evidence on the hearing of appeal which this section might shut out.

SECTION 80

again in the case of rents under £5 has the effect of granting a right of appeal to the landlord only on the question of value, and on a question of law no substantial right of appeal is given to either. Sub-section 4 as to appeal on value the word "Commissioner" should be changed to "Lay Commissioner." The provisions in Part 4 of the Bill for labourers are wholly illusory and insufficient for any useful purpose, and we strongly urge immediate legislation to do full justice to this all-important question. In conclusion, we wish to state emphatically that even with all the alterations and amendments suggested the Bill could never, in our judgment, finally settle the Irish land question, and no measure that is not based on compulsory sale and purchase on fair terms can ever effect such a final settlement.

We append hereto the results of some calculations to illustrate and support some of the conclusions hereinbefore stated.

Dated this 10th day of April, 1903. Signed—J. R. Moorhead, R. B. Caughey, Joseph Bell, J. M. Thomson, William Carse, S. R. Keightley, Richard Lyttle, W. Clarke Robinson, John McKee, sub-committee.

RESULT OF CALCULATIONS REFERRED TO IN REPORT.

It should be carefully noted that it is the annual payment by the tenant which is divided in the proportions of $\frac{2}{3}$ and $\frac{1}{3}$ under Section 40, and not the advance or purchase money. We find as a fact that the proportion of every £100 advance which is redeemable under the Bill at $\frac{3}{4}$ per cent. is the sum of £85 11s. 1 1-3d., and the proportion of every £100 advance which is not redeemable, but is to bear interest in perpetuity at $2\frac{3}{4}$ per cent., is the sum of £14 8s 10 2-3d; or, roughly, 6-7ths of each £100 advanced is redeemable and 1-7th remains as a perpetual charge, bearing interest at $2\frac{3}{4}$ per cent. We also find that the payments in respect of these two portions are a terminable annual sum of £2 15s 7 1-3d in respect of the 6-7ths, and a perpetual annual sum of 7s 11 1-3d in respect of the 1-7th—adding these two together we find that the total annual payment (both terminable and perpetual) is the sum of £3 3s 6 2-3d per £100 advance, bearing in mind the portion of this which is perpetual. This total annual payment is equivalent to a total annual payment of £3 5s per cent., all redeemable and no portion perpetual. Instead of this £3 5s we recommend the restoration of the Sinking Fund to the rate in the Ashbourne Act, and making the annual payment to com-

mence at £3 15s with the decadal reductions as hereinbefore mentioned.

Reductions.

Minimum years' purchase under			
60 p.c.	Clause 1 for rents fixed since 1896 payable by tenant	22 years	
20 p.c.	Maximum	do. do.	28 1-3 yrs.
20 p.c.	Average	do. do.	25 1-5 yrs.
Minimum years' purchase under			
40 p.c.	Clause 1 for rents fixed before passing of Act of 1896 payable by tenant	19 years	
20 p.c.	Maximum	do. do.	25 1-15 yrs
30 p.c.	Average	do. do.	22 years

1. Resolved, that the Report on Mr. Wyndham's Bill be adopted.

2. That nothing short of an equitably-framed scheme of Compulsory Sale and Purchase will affect a final settlement of the Irish Land Question, and the absence of such compulsion in the Bill renders it imperative on the farmers of Ulster to relax no part of their present efforts to secure occupying ownership.

3. That preceding the passing of such a Compulsory Bill the provisions in Mr. Wyndham's Bill interfering with the existing right or system of fixing fair rents should be opposed to the uttermost.

4. That the financial arrangements of Mr. Wyndham's Bill are inadequate, as they affect the tenant, and no distribution of the bonus, which fails to facilitate the tenant in purchasing by minimising the price he will pay, can be considered satisfactory.

5. That the terms on which tenants could purchase under the Bill involving a minimum price are much less satisfactory than the terms on which they have been able to purchase under the existing Acts, and that purchasers in future should not be put in a worse position than those who have already bought out.

6. That the proposed advantages to the landlord under the Bill—including the bonus payment in cash, redemption of superior interests, facilities in making title, investigation of claims mainly at the expense of the State, the profit to be made by selling and buying back their demesnes, and getting rid of ruinous mortgages—should be considered sufficient inducement to them to sell without any attempt to wring an enhanced and exorbitant price from the tenants.

7. That the provisions of this Bill as to labourers are entirely worthless and inadequate, and that the prosperity of agriculture demands that serious, and, if necessary, drastic measures should be adopted to secure the permanence of the labourer in agricultural districts, and no measure, whether voluntary or compulsory, can be satisfactory that does not secure to the labourer the opportunity of acquiring the ownership of a comfortable home on easy terms.

Mr. Russell proposed that the second resolution should be amended so as to make it read—"That, while acknowledging the good that is in the present Bill and the effort made by the Government to deal with the matter," etc.

Dr. Clarke Robinson seconded the amendment, which was adopted, and the resolution as amended was then declared carried unanimously.

A further resolution was also passed—"That the scope of the Bill be enlarged so as to include those holdings excluded from the Act of 1881 on technical grounds, such as mill holdings, residential holdings, demesne lands, etc., provided a substantial part of the holding is agricultural, and also that the limit of advance to any individual tenant be increased to include any agricultural tenancy being not less than a tenancy from year to year."



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